

09:25AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

March 12, 2024

TRANSCRIPT EXCERPT - TESTIMONY OF RONALD SERIO - DAY 2
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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* * * * *

(Excerpt commenced at 9:41 a.m.)

(Jury seated at 9:41 a.m.)

THE COURT: Good morning, everyone.

JURORS: Good morning.

THE COURT: The record will reflect that all our
jurors are present again.

I remind the witness that he's still under oath.

And, Mr. Tripi, you may continue.

MR. TRIPI: Thank you, Your Honor.

R O N A L D S E R I O, having been previously duly called
and sworn, testified further as follows:

DIRECT EXAMINATION BY MR. TRIPI (CON'T):

Q. Good morning, Mr. Serio.

A. Good morning.

Q. Mr. Serio, when we left off yesterday, one of the last

09:41AM 1 things we covered was when you were moving from Santiago Gale
09:41AM 2 as a supplier to Jarrett Guy?
09:41AM 3 A. Yes.
09:41AM 4 Q. Okay? Just by way of brief reminder, remind the jury who
09:41AM 5 Jarrett Guy is or was.
09:41AM 6 A. Jarrett Guy was who I got my marijuana from, from
09:41AM 7 Vancouver, Canada.
09:41AM 8 Q. Okay. And how did you meet him?
09:41AM 9 A. Through Mark Keegan.
09:41AM 10 **THE COURT:** Speak right into the microphone please.
09:41AM 11 **THE WITNESS:** Through Mark Keegan.
09:41AM 12 **BY MR. TRIPI:**
09:41AM 13 Q. And Mark Keegan is someone who you mentioned or talked
09:42AM 14 about yesterday who you had been getting supply from in the
09:42AM 15 '08, '09 --
09:42AM 16 A. Yes.
09:42AM 17 Q. -- 2010 time frame?
09:42AM 18 A. Yes.
09:42AM 19 Q. Okay. Describe your initial meeting with Jarrett Guy.
09:42AM 20 A. It was in New York City, and we just discussed the amount
09:42AM 21 that I could take of marijuana and the price.
09:42AM 22 Q. And what amounts did you discuss obtaining from him?
09:42AM 23 A. Just whatever he can bring to me.
09:42AM 24 Q. So you didn't place any limits?
09:42AM 25 A. No.

09:42AM 1 Q. And what did he indicate to you he could supply?

09:42AM 2 A. It's basically supply whatever I want.

09:42AM 3 Q. And did you discuss pricing?

09:42AM 4 A. Yes.

09:42AM 5 Q. Who were you in New York City with?

09:42AM 6 A. I was with Frank Burkhart.

09:42AM 7 Q. Frank Burkhart is the person who was friends with R.K.?

09:42AM 8 A. Correct.

09:42AM 9 Q. And what approximate year is it that you're in New York

09:43AM 10 City meeting Jarrett Guy discussing him becoming your

09:43AM 11 supplier.

09:43AM 12 A. It was 2013.

09:43AM 13 Q. And what arrangements did you and Jarrett Guy work out,

09:43AM 14 in other words, was there a discussion regarding how the

09:43AM 15 marijuana would make it to you? All of that?

09:43AM 16 A. At that time, it was coming from New York City to

09:43AM 17 Buffalo.

09:43AM 18 Q. So describe what was happening at that time.

09:43AM 19 A. That they would just have a courier bring it to me in

09:43AM 20 Buffalo.

09:43AM 21 Q. What do you mean by a courier?

09:43AM 22 A. Someone that would drive the marijuana, not them

09:43AM 23 specifically, not Jarrett.

09:43AM 24 Q. And what type of transportation would the courier be

09:43AM 25 driving?

09:43AM 1 A. Just a regular vehicle at the time.

09:43AM 2 Q. Did all of the people that you were in operations with on
09:44AM 3 the Buffalo end of it, were those consistent throughout, did
09:44AM 4 they remain the same as we discussed yesterday?

09:44AM 5 A. Yes.

09:44AM 6 Q. How did you leave it after that initial meeting with
09:44AM 7 Jarrett Guy?

09:44AM 8 A. Just as soon as they could bring me something, let me
09:44AM 9 know.

09:44AM 10 Q. And did you discuss how you would communicate with one
09:44AM 11 another?

09:44AM 12 A. We had burner phones.

09:44AM 13 Q. And yesterday you described what a burner phone is,
09:44AM 14 correct?

09:44AM 15 A. Correct.

09:44AM 16 Q. When I got back from that trip, did you discuss your
09:44AM 17 meeting with Jarrett Guy with Mike Masecchia?

09:44AM 18 A. Yes.

09:44AM 19 Q. Describe -- describe that discussion for the jury.

09:44AM 20 A. Well, I just said that I met the new connection in
09:44AM 21 New York City, and I'd be getting marijuana from him.

09:44AM 22 Q. What did Masecchia say?

09:44AM 23 A. He said good.

09:44AM 24 Q. Describe in proximity to that when initial meeting did
09:45AM 25 marijuana start getting transported to you in Buffalo?

09:45AM 1 A. Within two weeks.

09:45AM 2 Q. Do you remember how much the initial shipment was?

09:45AM 3 A. I think it was a hundred pounds.

09:45AM 4 Q. Do you remember what the pricing was?

09:45AM 5 A. I believe at that time it was 2,800.

09:45AM 6 Q. Per pound?

09:45AM 7 A. Correct.

09:45AM 8 Q. And that's your cost?

09:45AM 9 A. Yes.

09:45AM 10 Q. Was it being fronted or were you paying?

09:45AM 11 A. That was being fronted.

09:45AM 12 Q. All right. And how would you get the money back to

09:45AM 13 Jarrett Guy?

09:45AM 14 A. They would usually have a courier come pick up the money

09:45AM 15 from me, occasionally I'd bring it to New York City.

09:45AM 16 Q. So a separate courier would come pick up the money?

09:45AM 17 A. Correct.

09:45AM 18 Q. How much time did you have to move your supply?

09:45AM 19 A. It never really took me long, so there really wasn't a

09:45AM 20 set time limit.

09:45AM 21 Q. How would you let Jarrett Guy know when you were ready to

09:45AM 22 make payment?

09:45AM 23 A. I would call him.

09:45AM 24 Q. Using a burner phone?

09:45AM 25 A. Correct.

Q. How long did the methodology, the transport methodology continue like that where he was currying -- having a courier take the marijuana from New York City to you?

A. That continued, but there also, they brought in where they would shipments of mulch or, forget what they're called, pellets, like burning pellets, fuel pellets and they would put the marijuana in the packaging, and they would send it to a warehouse in Kean, New Jersey I believe it was.

And then they would take a U-Haul truck and bring it to me. And then eventually they would bring it in tractor-trailers over the border.

Q. Okay. When did the -- so the New York City transports continued?

A. Yeah. Like it was intermediate, where if that shipment wasn't in, they could get something else from someone else in New York City, they would bring that to me through just a regular courier.

Q. So describe in detail for the jury the Kean, New Jersey part of it. I know you just mentioned it, but describe that portion.

A. So in Vancouver, they would package it in, like, big bales of mulch or fuel pellets. And then it would come in boxes that were probably four feet by four feet, four feet high. And then I'd have to unload them and take it out of the mulch and the pellets.

09:47AM 1 Q. Would you travel to New Jersey to pick up that truck?

09:47AM 2 A. No, they would drive it to me in a U-Haul.

09:47AM 3 Q. Were there times when Mark Falzone helped you unload the

09:47AM 4 U-Haul trucks?

09:47AM 5 A. Yes.

09:47AM 6 Q. Who were some other people who helped you unload the

09:47AM 7 U-Haul trucks of mulch or the pellets?

09:48AM 8 A. Mike Masecchia, Mike Moynihan, Jacob Martinez.

09:48AM 9 Q. And the U-Haul trucks, what different locations would you

09:48AM 10 use to unload those, whether it be the mulch or the wood

09:48AM 11 pellets?

09:48AM 12 A. Sometimes it would be at 82 Sycamore, or Mark's house at

09:48AM 13 377 Englewood, and my house at 697 Lebrun a few times.

09:48AM 14 Q. And describe how the -- with regard to the U-Haul trucks,

09:48AM 15 describe how the marijuana would be -- the drugs would be

09:48AM 16 secreted in those loads.

09:48AM 17 A. It would be wrapped in -- so you would cut the -- take

09:48AM 18 the box off and then cut the plastic wrap, and the mulch

09:48AM 19 would just fall apart.

09:48AM 20 Q. And what would be in the middle of the mulch?

09:49AM 21 A. It would be packages of marijuana.

09:49AM 22 Q. Now, describe the transport methodology when Jarrett Guy

09:49AM 23 would send it from Vancouver using large tractor-trailer

09:49AM 24 trucks.

09:49AM 25 A. They would, it would come over in a tractor-trailer. And

09:49AM 1 the back of the trailer would be empty, and they would take

09:49AM 2 off the back plate and hook a battery up to it, and the floor

09:49AM 3 would move up. And it was under the floor boards.

09:49AM 4 Q. Would those trucks come directly to Buffalo?

09:49AM 5 A. Yes.

09:49AM 6 Q. So there was like a hydraulic lift in the trailer of the

09:49AM 7 truck bed --

09:49AM 8 A. Correct.

09:49AM 9 Q. -- where the marijuana was secreted?

09:49AM 10 A. Yes.

09:49AM 11 Q. Was that, in your view, a tactic designed to avoid

09:49AM 12 detection at the border?

09:49AM 13 A. Yeah, they said there was an anomaly with the x-ray

09:49AM 14 machine that they couldn't detect it.

09:49AM 15 Q. How many of those large tractor-trailer trucks did you

09:49AM 16 have come in?

09:49AM 17 A. Four.

09:49AM 18 Q. How much marijuana was on each tractor-trailer truck?

09:49AM 19 A. Between 2- and 300 pounds.

09:50AM 20 Q. Each time?

09:50AM 21 A. Each time.

09:50AM 22 Q. On the U-Haul trucks, how much marijuana was in those

09:50AM 23 trucks?

09:50AM 24 A. About 200 pounds.

09:50AM 25 Q. Okay. So the lowest amount for a shipment you ever got

09:50AM 1 from Jarrett Guy was the first 100-pound shipment; is that
09:50AM 2 right?

09:50AM 3 A. There would be -- sometimes there would be just 50, but
09:50AM 4 that was here and there just to hold me over.

09:50AM 5 Q. With regard to the tractor-trailer trucks that would come
09:50AM 6 in?

09:50AM 7 A. Yes.

09:50AM 8 Q. So, with the hydraulic lift, did Anthony Gerace ever help
09:50AM 9 you unload any of those?

09:50AM 10 A. Yes, three times.

09:50AM 11 Q. You said three occasions?

09:50AM 12 A. Correct.

09:50AM 13 Q. Describe how that came about, the first occasion. If you
09:50AM 14 can just tell the jury what your conversation with Anthony
09:50AM 15 was and how he came to help you with those.

09:50AM 16 A. Well, I told him that I needed a bay for the
09:50AM 17 tractor-trailer to back into. And he had a kitchen cabinet
09:50AM 18 business where they had bays so we used his bay.

09:51AM 19 Q. Where was his kitchen cabinet business?

09:51AM 20 A. I believe it was on Aero Drive.

09:51AM 21 Q. Is that like down the street from where his brother's
09:51AM 22 strip club, Pharaoh's, was?

09:51AM 23 A. Yes.

09:51AM 24 Q. Aero Drive is in Cheektowaga?

09:51AM 25 A. Correct.

09:51AM 1 Q. So describe that first truckload, what you and Anthony
09:51AM 2 did to unload it.

09:51AM 3 A. Well, they did the hydraulic, and you put all the
09:51AM 4 marijuana in garbage bags and brought it to my house.

09:51AM 5 Q. Back it up a little bit. So how do you know that the
09:51AM 6 driver's coming on the truckload, how do you contact Anthony,
09:51AM 7 start from the beginning.

09:51AM 8 A. Well, they would tell me that the truck was coming in, so
09:51AM 9 I was to be on call. And then as soon as the truck got over
09:51AM 10 the border, Jarrett Guy would call me, and then I'd give him
09:51AM 11 the address, where to go.

09:51AM 12 Q. You gave the address to Jarrett Guy?

09:51AM 13 A. Yes.

09:51AM 14 Q. And it's your understanding that he communicated the
09:51AM 15 address where you wanted delivery to the driver?

09:51AM 16 A. Correct.

09:52AM 17 Q. And with respect to the three Anthony helped up with, you
09:52AM 18 gave the address of his kitchen cabinet business?

09:52AM 19 A. Correct.

09:52AM 20 Q. So describe what happened after the truck arrived and
09:52AM 21 made it to that location on Aero Drive?

09:52AM 22 A. They would back it up into the bay. He would take the
09:52AM 23 back plate off, raise the floor, and then we'd take garbage
09:52AM 24 bags and take the marijuana out and put them in the garbage
09:52AM 25 bags, and then we'd transport it to my house.

09:52AM 1 Q. So how many vehicles did you have to fill with those
09:52AM 2 garbage bags to transport to your house?

09:52AM 3 A. Two.

09:52AM 4 Q. Whose vehicles were they?

09:52AM 5 A. One was mine, one was Anthony's.

09:52AM 6 Q. And what vehicle were you driving?

09:52AM 7 A. Sometimes it would be a pickup truck or my Range Rover.

09:52AM 8 And Anthony had I believe an Avalanche or a Tahoe.

09:52AM 9 Q. Between those two vehicles, you were able to transport
09:52AM 10 all of the marijuana?

09:52AM 11 A. Yes.

09:52AM 12 **MR. TRIPI:** One moment, Your Honor.

09:53AM 13 **BY MR. TRIPI:**

09:53AM 14 Q. What year do you think was the first time Anthony Gerace
09:53AM 15 helped you unload?

09:53AM 16 A. I believe it was late 2015.

09:53AM 17 Q. And did the second and third times work the same way?

09:53AM 18 A. Yes.

09:53AM 19 Q. Did you use Anthony's business on Aero Drive again?

09:53AM 20 A. Correct.

09:53AM 21 Q. Did anyone else help the two of you unload the marijuana?

09:53AM 22 A. No.

09:53AM 23 Q. Now, during -- during this time period --

09:54AM 24 **MR. TRIPI:** Just one moment, Your Honor.

25

09:54AM

1 **BY MR. TRIPI:**

09:54AM

2 Q. I'm going to hand up two exhibits, the first one is

09:54AM

3 marked Government Exhibit 489A, the next is marked 489B, I'm

09:54AM

4 going to ask you to look at those and look up at me when

09:54AM

5 you're done.

09:54AM

6 A. Thank you.

09:54AM

7 Q. You're welcome.

09:54AM

8 Do you recognize exhibits 489A and B?

09:54AM

9 A. Yes.

09:54AM

10 Q. What do you recognize that to be?

09:55AM

11 A. That is the building that Anthony had his business at

09:55AM

12 where we unloaded the marijuana.

09:55AM

13 Q. So that's the location that had the bays on Aero Drive?

09:55AM

14 A. Yes.

09:55AM

15 Q. Where you unloaded marijuana with Mr. Gerace three times?

09:55AM

16 A. Yes.

09:55AM

17 **MR. TRIPI:** The government offers 489A and 489B,

09:55AM

18 Your Honor.

09:55AM

19 **MR. MacKAY:** No objection, Your Honor.

09:55AM

20 **THE COURT:** They're received without objection.

09:55AM

21 **(GOV Exhibits 489A and B were received in evidence.)**

09:55AM

22 **MR. TRIPI:** Ms. Champoux, if you could publish for

09:55AM

23 the jury, first 489B.

09:55AM

24 Can we zoom in on just the photo part.

25

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BY MR. TRIPI:

Q. And describe for the jury what they're looking at there?

A. That is the building that Anthony Gerace had his business in.

Q. And that's a building on Aero Drive?

A. That is the front of it.

Q. Okay.

MR. TRIPI: And can we put up 489A. Can we zoom in on the photo part.

BY MR. TRIPI:

Q. Is this sort of an aerial view of that same business?

A. Yes.

Q. And using your finger, can you circle sort of where the loading docks are that the truck would back into.

A. It would be this one.

MR. TRIPI: Your Honor, may the record reflect the witness made a mark on the screen, there's what appears to be like a loading dock behind the building, closest to the grass part.

THE COURT: Yeah, just about dead center maybe a little bit towards the bottom a little bit towards the right, but pretty close to the center.

MR. TRIPI: Yes, thank you, Your Honor. That's better.

Ms. Champoux can we put those up next to one another

1 briefly? Okay. We can take those down, thank you.

2 **BY MR. TRIPI:**

3 Q. Speaking of Anthony Gerace, how did you first meet him?

4 A. I started processing debt for him, he had a debt
5 collection agency.

6 Q. What year was that?

7 A. That was 2015, late, maybe 2014, '15, I'm not sure.

8 Q. Obviously before he started letting you use his --

9 A. Correct.

10 Q. -- facility, correct?

11 A. Yes.

12 Q. And do you know Anthony Gerace's brother?

13 A. I know of him. I don't know him personally.

14 Q. Have you ever met him?

15 A. I met him once in a restaurant, and I was in a business
16 meeting and someone that I knew knew him. And they just
17 introduced me, and I said how are you doing, and we went our
18 separate ways.

19 Q. Who's Anthony's brother that you were introduced to?

20 A. Peter Gerace.

21 Q. After you started, after you met Anthony and you started
22 working with him in the debt collection part of your
23 business, did you go, did you negotiate with him to become
24 part of the marijuana distribution activities you were
25 involved in?

09:58AM

1 A. Yes.

09:58AM

2 Q. Is that in about 2015 you said?

09:58AM

3 A. Yes.

09:58AM

4 Q. Describe that initial negotiation to have him become part

09:58AM

5 of what you were involved in?

09:58AM

6 A. Basically, he also got marijuana and it was just if I

09:58AM

7 needed something or he needed something, we helped each other

09:58AM

8 out.

09:58AM

9 Q. Does that mean you would supply each other back and

09:58AM

10 forth?

09:58AM

11 A. Correct.

09:58AM

12 Q. And you indicated that Anthony helped you unload on three

09:58AM

13 occasions marijuana when you were getting in, what were you

09:58AM

14 giving him in exchange for that service?

09:58AM

15 A. The first choice of whatever he wanted.

09:58AM

16 Q. What do you mean by that?

09:58AM

17 A. Because with marijuana you get different kinds and some

09:58AM

18 people -- some are better than others. So, when you get it,

09:58AM

19 a lot of people like to see what's first so they have first

09:58AM

20 choice of getting the better marijuana.

09:58AM

21 Q. And were you giving him any monetary compensation?

09:58AM

22 A. Well, I mean I was giving him \$100 over cost, so I gave

09:59AM

23 him a discounted price.

09:59AM

24 Q. So he got the better price for the marijuana?

09:59AM

25 A. Correct.

09:59AM 1 Q. How many pounds was he taking of what you would get
09:59AM 2 delivered?

09:59AM 3 A. Would depend. Anywhere from ten to 30. Multiple times.

09:59AM 4 Q. Okay. On times when you were in between shipments, were
09:59AM 5 there times when you purchased pounds of marijuana from
09:59AM 6 Anthony Gerace?

09:59AM 7 A. Yes.

09:59AM 8 Q. How many times do you think you did that?

09:59AM 9 A. At least ten times.

09:59AM 10 Q. And what was an average amount that you would get from
09:59AM 11 him?

09:59AM 12 A. Same thing. Probably 30 -- well, probably more, 30, 40
09:59AM 13 pounds at a time.

09:59AM 14 Q. And did he tell you where his source of supply was from?

09:59AM 15 A. It was coming from New York City.

09:59AM 16 Q. Now, you also in the beginning indicated there were times
10:00AM 17 when you were still traveling back and forth to New York City
10:00AM 18 to obtain marijuana?

10:00AM 19 A. Yes.

10:00AM 20 Q. Did different people go with you at different times?

10:00AM 21 A. Yes.

10:00AM 22 Q. Give the jury the roster of different people who would
10:00AM 23 travel with you to New York City to obtain marijuana.

10:00AM 24 A. Mike Masecchia, Matt LoTempio, John Robinson, Mario
10:00AM 25 Vacanti, Matt LoTempio, Mark Falzone and Anthony.

10:00AM 1 Q. And on the initial road trip, did Lauren Fina and Adrian
10:01AM 2 Fina go?
10:01AM 3 A. Yes.
10:01AM 4 Q. And you mentioned Anthony Gerace?
10:01AM 5 A. Yes.
10:01AM 6 Q. How many times did Mike Masecchia go with you to New York
10:01AM 7 City?
10:01AM 8 A. I don't know exact number, but more than five.
10:01AM 9 Q. As an estimate?
10:01AM 10 A. Yes.
10:01AM 11 Q. How many times did Falzone go with you?
10:01AM 12 A. I think he didn't go often, so less than five.
10:01AM 13 Q. How many times would you estimate Mike Moynihan went with
10:01AM 14 you?
10:01AM 15 A. Probably ten times.
10:01AM 16 Q. How many times would you estimate John Robinson went with
10:01AM 17 you?
10:01AM 18 A. Less than five.
10:01AM 19 Q. How many times would you estimate your wife, Lauren, and
10:01AM 20 her sister, Adrian, went with you?
10:01AM 21 A. Well, Adrian only a couple times, but sometimes if I had
10:01AM 22 to go talk to somewhere or drop money, she would come with
10:02AM 23 me, I never had her driving the car with the drugs in it.
10:02AM 24 Q. Who is the she?
10:02AM 25 A. Lauren Fina.

10:02AM 1 Q. How many times did she go with you?

10:02AM 2 A. She went twice.

10:02AM 3 Q. How many times did Mario Vacanti go with you?

10:02AM 4 A. More than five times.

10:02AM 5 Q. Was there a -- was there a strategy or a -- a plan for
10:02AM 6 how you would travel there and back when you would go with
10:02AM 7 other people?

10:02AM 8 A. Yes, whoever was driving, someone would drive behind so
10:02AM 9 if there was a cop to kind of distract the cop if you were
10:02AM 10 about to get pulled over.

10:02AM 11 Q. What do you mean by that, can you describe that in a
10:02AM 12 little more clarity for the jury?

10:02AM 13 A. Say I'm driving the marijuana, there's a car that's gonna
10:02AM 14 follow right behind me, so if there is a cop, the cop can't
10:02AM 15 get behind and then if it looks like, you know, they might
10:02AM 16 just do something purposely to get pulled over to distract
10:02AM 17 the cop.

10:02AM 18 Q. And that was discussed and agreed upon before these
10:03AM 19 trips, people understood --

10:03AM 20 A. Correct.

10:03AM 21 Q. -- what their role was?

10:03AM 22 A. Yes.

10:03AM 23 Q. Now at some point, I think you referenced it near the
10:03AM 24 beginning of your testimony, but in the shipments of the
10:03AM 25 mulch and the wood pellets, so that would be we're talking

10:03AM 1 about the U-Haul trucks, right?

10:03AM 2 A. Yes.

10:03AM 3 Q. In those shipments, eventually did Jarrett Guy start

10:03AM 4 supplying you with additional drugs other than the marijuana?

10:03AM 5 A. Fentanyl pills.

10:03AM 6 Q. And what did those look like?

10:03AM 7 A. They were little round green pills that had the Oxy 80

10:03AM 8 stamp on it because they were fake. They were supposed to

10:03AM 9 look like Oxy 80s.

10:03AM 10 Q. And how did it come to be where you started getting those

10:03AM 11 from him?

10:03AM 12 A. He sent a shipment of it to see if I could get rid of

10:03AM 13 that. And I did that. I mean, I used those drugs, so I

10:04AM 14 wound up getting them because I was using a lot of them.

10:04AM 15 Q. Okay, so what year did you start getting the fentanyl

10:04AM 16 pills?

10:04AM 17 A. It was around 2015. But it wasn't consistent with that

10:04AM 18 though.

10:04AM 19 Q. Okay. And I think yesterday you said you used a lot of

10:04AM 20 them or most of them and maybe sold 25 percent of them?

10:04AM 21 A. Correct, yes.

10:04AM 22 Q. Who were some of the people who would take those to

10:04AM 23 redistribute from you?

10:04AM 24 A. Well, they're more users.

10:04AM 25 Q. Who are some of the people?

10:04AM 1 A. Jake Martinez and Anthony Greco, and -- well, Anthony
10:04AM 2 Gerace, too, he was a user.

10:04AM 3 Q. Now, this is a name that was mentioned yesterday but I'd
10:04AM 4 like to go into more detail today.

10:04AM 5 Are you familiar with a person Mark Vitale?

10:05AM 6 A. Yes.

10:05AM 7 Q. And who was that?

10:05AM 8 A. That was Adrian's -- Adrian Fina's friend's brother.

10:05AM 9 Q. And were you supplying him marijuana?

10:05AM 10 A. Through Adrian and then eventually John Robinson was.

10:05AM 11 Q. Okay. And did there come a point in time in 2015 when
10:05AM 12 you learned that the Town of Tonawanda Police Department
10:05AM 13 executed a search warrant at Mark Vitale's residence and he
10:05AM 14 was arrested?

10:05AM 15 A. Yes.

10:05AM 16 Q. How did you learn about that information?

10:05AM 17 A. I believe through Adrian Fina.

10:05AM 18 Q. And Adrian Fina was connected to who at the time?

10:05AM 19 A. John Robinson.

10:05AM 20 Q. Were they dating?

10:05AM 21 A. Yes.

10:05AM 22 Q. Were they living together?

10:06AM 23 A. Yes.

10:06AM 24 Q. After Adrian Fina brought it to your attention, did
10:06AM 25 you -- did you look into the matter at all?

10:06AM 1 A. Well, I talked to Mike about it and he said everything's
10:06AM 2 fine.
10:06AM 3 Q. Okay. Let's break that down a little bit.
10:06AM 4 A. Okay.
10:06AM 5 Q. When you said you talked to Mike, who's the Mike you're
10:06AM 6 referencing?
10:06AM 7 A. Mike Masecchia.
10:06AM 8 Q. And did you talk to Masecchia in person or over the
10:06AM 9 phone?
10:06AM 10 A. In person.
10:06AM 11 Q. Where was that discussion?
10:06AM 12 A. I believe that was at his house.
10:06AM 13 Q. Where is that?
10:06AM 14 A. 125 Huntington Court.
10:06AM 15 Q. And describe that discussion to the jury and to the best
10:06AM 16 of your recollection.
10:06AM 17 A. Well I just said that someone that I dealt with -- well,
10:06AM 18 not specifically dealt with, someone that I dealt with that
10:06AM 19 dealt with the person got arrested, and for him to check out
10:06AM 20 to see if everything's okay.
10:06AM 21 Q. When were you asking Masecchia to check it out, what was
10:06AM 22 your intent?
10:06AM 23 A. Just to see if Mark Vitale mentioned my name.
10:07AM 24 Q. And what was your understanding about how Masecchia would
10:07AM 25 find out?

10:07AM 1 A. He would talk to Lou Selva, that would talk to Joseph
10:07AM 2 Bongiovanni.
10:07AM 3 Q. And after you had that conversation with Masecchia, did
10:07AM 4 some time go by?
10:07AM 5 A. Yes.
10:07AM 6 Q. How much time went by?
10:07AM 7 A. Couple days.
10:07AM 8 Q. After that, did you follow up with Masecchia on the topic
10:07AM 9 of Vitale?
10:07AM 10 A. Yes.
10:07AM 11 Q. Describe that for the jury.
10:07AM 12 A. He just said everything's fine.
10:07AM 13 Q. Masecchia told you that?
10:07AM 14 A. Yes.
10:07AM 15 Q. Now, while you and Anthony Gerace were involved supplying
10:08AM 16 each other with marijuana and he was helping you in the ways
10:08AM 17 that you've already described, did you also go out together?
10:08AM 18 A. Yes.
10:08AM 19 Q. Did you use those fentanyl pills together at times?
10:08AM 20 A. Yes.
10:08AM 21 Q. Did you use cocaine together at times?
10:08AM 22 A. Yes.
10:08AM 23 Q. On an occasion when you -- when you were using cocaine
10:08AM 24 with him, did Anthony Gerace mention the name David Oddo to
10:08AM 25 you?

10:08AM 1 A. Yes.

10:08AM 2 Q. What did he say about David Oddo when you used cocaine?

10:08AM 3 A. He said he's got the best cocaine around.

10:08AM 4 Q. And based on that, what was your understanding of David

10:08AM 5 Oddo's relationship with Anthony Gerace?

10:08AM 6 A. That he would sell Anthony cocaine.

10:08AM 7 Q. Is that Oddo or Oddo, O-D-D-O, the last name?

10:08AM 8 A. Yes, I believe so.

10:08AM 9 Q. Was there an occasion where you went to Pharaoh's with

10:09AM 10 Anthony Gerace?

10:09AM 11 A. Yes, one time.

10:09AM 12 Q. One time?

10:09AM 13 A. Yes.

10:09AM 14 Q. What were you and he doing that night?

10:09AM 15 A. Just hanging out when we were doing drugs.

10:09AM 16 Q. What drugs did you use that night?

10:09AM 17 A. I believe it was heroin.

10:09AM 18 Q. And where did you use the heroin?

10:09AM 19 A. In the bathroom.

10:09AM 20 Q. At where?

10:09AM 21 A. At Pharaoh's.

10:09AM 22 Q. Did you and Anthony both use?

10:09AM 23 A. Yes, sir.

10:09AM 24 Q. How were you using the heroin, was it intravenously or

10:09AM 25 was it being sniffed?

10:09AM 1 A. Sniffed.

10:09AM 2 Q. So, heroin was a drug that eventually the opiate use, you

10:09AM 3 moved into using heroin?

10:09AM 4 A. Yes.

10:09AM 5 Q. Now, was that a drug that you also sold?

10:09AM 6 A. To people if I had it, and someone wanted it, I would

10:09AM 7 sell it.

10:09AM 8 Q. Is that a drug that you advertised selling?

10:09AM 9 A. No.

10:09AM 10 Q. Okay. So, if you knew somebody who wanted heroin, you

10:10AM 11 could hook it up, but it wasn't something you were looking to

10:10AM 12 do; is that a fair summary?

10:10AM 13 A. Yes.

10:10AM 14 Q. As time went on, did Anthony Gerace have a key code to

10:10AM 15 your house on Lebrun?

10:10AM 16 A. Yes, he did.

10:10AM 17 Q. For people who are close to you, did you give that, the

10:10AM 18 door codes out?

10:10AM 19 A. Yes.

10:10AM 20 Q. Why did you do that?

10:10AM 21 A. It was more towards 2016 where I was using a lot of

10:10AM 22 drugs, and I was also gambling a lot, so sometimes I wouldn't

10:10AM 23 be around. And if someone wanted something, I'd just go say

10:10AM 24 go in my house and get it.

10:10AM 25 Q. And those would be people close to you?

10:10AM 1 A. Yes, very close.

10:10AM 2 Q. And those people, like Anthony Gerace, would know where
10:10AM 3 to go in your house to get the drugs they wanted?

10:11AM 4 A. Yes.

10:11AM 5 Q. Did you know whether or not Anthony Gerace was friends
10:11AM 6 with the defendant, Bongiovanni?

10:11AM 7 A. He never specifically told me, but eventually I heard
10:11AM 8 that he was.

10:11AM 9 Q. What about -- what about Anthony Gerace's brother? Did
10:11AM 10 you have an understanding of whether he was friends with the
10:11AM 11 defendant?

10:11AM 12 A. That, I didn't know.

10:11AM 13 Q. When you were in social situations or when you would be
10:11AM 14 out and around, did you ever hear Anthony brag about his
10:11AM 15 family connections?

10:11AM 16 A. Yes.

10:11AM 17 Q. When he would brag about that, what did you understand
10:11AM 18 him to be referencing?

10:11AM 19 A. To his uncle, Joe Todaro.

10:11AM 20 Q. Is that a reference to his family being some sort of
10:11AM 21 Organized Crime?

10:11AM 22 A. Yes.

10:12AM 23 Q. I'd like to direct your attention to the day of your
10:12AM 24 arrest now?

10:12AM 25 A. Yes.

1 Q. April 18th, 2017, okay?

2 I think earlier in your testimony yesterday, you
3 indicated that you -- that day you went to Kelly Brace's
4 house at 370 Huntington?

5 A. Yes.

6 Q. To commence a drug deal?

7 A. Yes.

8 Q. Kelly Brace was someone you had been selling marijuana to
9 for a while?

10 A. Yes.

11 Q. And that's the morning that you were arrested in his
12 kitchen, correct?

13 A. Correct.

14 Q. Later that day, were several of your residences searched?

15 A. Yes.

16 Q. That included 697 Lebrun, 91 Grimsby?

17 A. Correct.

18 Q. Your Range Rover was searched?

19 A. Correct.

20 **MR. TRIPI:** Just a moment, please, Your Honor.

21 **BY MR. TRIPI:**

22 Q. I'm going to hand you up exhibits that have been marked,
23 Exhibits 41A-1 through 41A-13. Inclusive, okay?

24 A. Okay.

25 Q. Take a moment and look through these.

1 Do you recognize Government Exhibit 41A-1 through 41A-13
2 inclusive?

3 A. I know it was Kelly Brace's house, I recognize the
4 marijuana. Some of the other stuff, it wasn't my house so I
5 don't know.

6 Q. Let's try 41A-1, 2, 3, and 13. Just look at those. Do
7 you recognize those?

8 A. Yes.

9 Q. Do 41A-1, 2, 3 and 13 all fairly and accurately depict
10 marijuana as well as your vehicle at Kelly Brace's house on
11 the morning or the afternoon of April 18th, 2017, prior to
12 your arrest?

13 A. Yes.

14 **MR. TRIPI:** Your Honor, the government offers
15 Exhibit 41A-1, 2, 3 and 13 into evidence.

16 **MR. MacKAY:** Joe, can I see those.

17 **MR. TRIPI:** Yeah, sure.

18 **MR. MacKAY:** No objection, Your Honor.

19 **THE COURT:** They're received without objection.

20 **(GOV Exhibits 41A-1, 2, 3 and 13 were received in evidence.)**

21 **MR. TRIPI:** Thank you.

22 Ms. Champoux, can we publish 41A-1, please.

23 **BY MR. TRIPI:**

24 Q. And can you tell the jury what we're looking at here,
25 Mr. Serio?

1 A. It is the backyard of Kelly Brace's house and on the left
2 Kelly Brace's vehicle and on the right my vehicle.

3 Q. So yours is the black Range Rover on the right?

4 A. Correct.

5 Q. And in the background, we see Kelly Brace's garage?

6 A. Correct.

7 Q. And can you, before we move to the next photo, can you
8 describe how you had the marijuana packaged that you brought
9 over to Mr. Brace?

10 A. In vacuumed-sealed bags, all the vacuumed-sealed bags in
11 a garbage bag.

12 Q. Was it a black garbage bag?

13 A. Yes.

14 **MR. TRIPI:** Can we publish Exhibit 41A-2.

15 **BY MR. TRIPI:**

16 Q. And can you tell the jury what they're looking at there?

17 A. Garbage bag full of marijuana.

18 Q. Is that situated in Mr. Brace's garage?

19 A. Yes.

20 Q. Is that the marijuana that you brought over that day?

21 A. Yes.

22 **MR. TRIPI:** And can we publish Exhibit 41A-3.

23 **BY MR. TRIPI:**

24 Q. And is that a look inside that black bag of marijuana?

25 A. Yes.

1 Q. So these are -- each of those are pre-packaged one-pound
2 packages?

3 A. Correct.

4 **MR. TRIPI:** And can we show -- just put up next to
5 that 41A-13.

6 **BY MR. TRIPI:**

7 Q. So a couple of views of looking inside the bag?

8 A. Yes.

9 Q. Okay. Now next, there were searches that occurred at
10 your house at 697 Lebrun; is that correct?

11 **MR. TRIPI:** You can take those down Ms. Champoux.

12 **THE WITNESS:** Correct.

13 **MR. TRIPI:** One moment, Your Honor.

14 **BY MR. TRIPI:**

15 Q. Mr. Serio, I'm going to hand you up next Government
16 Exhibit 42A-1 through 42A-32. I'll hand them over to the
17 defense before I do that.

18 **MR. TRIPI:** Okay. I'm handing up Exhibits 41A-1
19 through 32 to Mr. Serio.

20 **BY MR. TRIPI:**

21 Q. Did you review each of those exhibits, Mr. Serio?

22 A. Yes.

23 Q. Did you recognize them?

24 A. Yes.

25 Q. What do you recognize them to be?

1 A. Various drugs inside my house.

2 Q. So they're photographs from inside your house the day of
3 the search?

4 A. Correct.

5 Q. And did they all fairly and accurately depict portions of
6 the inside of your residence and items that you had inside
7 your residence --

8 A. Yeah.

9 Q. -- that day?

10 A. Yes.

11 **MR. TRIPI:** The government offers Exhibits 42A-1
12 through 42A-32 inclusive, Your Honor.

13 **MR. MacKAY:** No objection to that batch, Your Honor.

14 **THE COURT:** They are all received without objection.

15 **MR. TRIPI:** Thank you, Your Honor.

16 **(GOV Exhibits 42A-1 through 42A-32 were received in evidence.)**

17 **MR. TRIPI:** Ms. Champoux, can we publish those for
18 the jury beginning with 42A-1, please.

19 **BY MR. TRIPI:**

20 Q. Is this some ammunition that you had in your house?

21 A. Yes.

22 Q. Let's go to 42A-2. Tell the jury what we're looking at
23 here?

24 A. My foyer closet with looks to be a bag with probably
25 marijuana in it.

1 Q. And those black bags, those black garbage bags you see in
2 that photo, is that what you typically used to put pounds of
3 marijuana in?

4 A. Correct.

5 **MR. TRIPI:** Let's go to 42A-3.

6 **BY MR. TRIPI:**

7 Q. What's that?

8 A. That's an AR-15 rifle.

9 Q. And is that something you had under your mattress?

10 A. Yes.

11 Q. Is that loaded?

12 A. That was. I had a -- there's a clip in it. I don't
13 think there was bullets in it, though. I'm not sure.

14 Q. That firearm formed part of your guilty plea?

15 A. Yes.

16 **MR. TRIPI:** Go to 42A-4, please.

17 **BY MR. TRIPI:**

18 Q. Is that a close-up of some of the particulars of the
19 firearm?

20 A. Yes.

21 **MR. TRIPI:** Let's go to 42A-5, please.

22 **BY MR. TRIPI:**

23 Q. Tell the jury what they're looking at in that photo?

24 A. Bag of marijuana in my laundry room.

25 **MR. TRIPI:** Let's go to 42A-6, please.

10:25AM

1 BY MR. TRIPI:

10:25AM

2 Q. And is that a look inside that bag?

10:25AM

3 A. Marijuana.

10:25AM

4 MR. TRIPI: Let's go to 42A-7, please.

10:25AM

5 BY MR. TRIPI:

10:25AM

6 Q. Is this another view inside that front foyer room?

10:25AM

7 A. Correct.

10:25AM

8 MR. TRIPI: Let's go to 42A-8, please.

10:25AM

9 BY MR. TRIPI:

10:25AM

10 Q. Is this a look inside one of the bags in that front foyer
11 room?

10:25AM

12 A. Correct.

10:25AM

13 Q. What's in there?

10:25AM

14 A. Marijuana.

10:25AM

15 MR. TRIPI: Let's go to 42A-9, please.

10:26AM

16 BY MR. TRIPI:

10:26AM

17 Q. Tell the jury what they're looking at there?

10:26AM

18 A. Empty marijuana bags.

10:26AM

19 Q. How would you get those empty marijuana bags, tell the
20 jury what you would do?

10:26AM

21 A. Sometimes I would have to repackage a marijuana bag, if I
22 had to add a lesser-grade marijuana in it, I would put it in
23 there to kind of get rid of something I couldn't get rid of.

10:26AM

24 MR. TRIPI: Let's go to 42A-10, please. That looks
25 like a blurry photo. So we'll go over to 42A-11.

10:26AM

10:26AM

1

BY MR. TRIPI:

10:26AM

2

Q. Tell the jury what they're looking at there.

10:26AM

3

A. Packages of marijuana in my kitchen.

10:26AM

4

Q. And the marijuana, are those -- those tan brick-looking

10:26AM

5

packages?

10:26AM

6

A. Correct.

10:26AM

7

Q. Let's go to 42A-12, please. Tell the jury what they're

10:26AM

8

looking at there?

10:26AM

9

A. Looks like ammunition.

10:26AM

10

MR. TRIPI: Let's go to 42A-13.

10:26AM

11

BY MR. TRIPI:

10:26AM

12

Q. What's the jury looking at there?

10:26AM

13

A. A scale.

10:26AM

14

Q. What would you use the scales for?

10:26AM

15

A. To measure marijuana.

10:27AM

16

Q. With regard to the firearm, is generally drug dealing a

10:27AM

17

dangerous business?

10:27AM

18

A. Yes.

10:27AM

19

Q. Is that why you had a firearm?

10:27AM

20

A. Yes.

10:27AM

21

MR. TRIPI: Let's go to 42A-14, please.

10:27AM

22

BY MR. TRIPI:

10:27AM

23

Q. And tell the jury what they're looking at there?

10:27AM

24

A. Money counter.

10:27AM

25

Q. And where did you have that inside your house?

1 A. Probably my kitchen cabinet.

2 Q. Okay. And what did you need a money counter for?

3 A. To count money.

4 **MR. TRIPI:** Let's go to 42A-15, please.

5 **BY MR. TRIPI:**

6 Q. Tell the jury what they're looking at there.

7 A. Various pills.

8 Q. Let's start from left to right, go across. So I just

9 orient you where we're starting, okay, tell the jury what

10 those are.

11 A. By looking at them, I really can't tell, but they're -- I

12 know they're various types of opiates. The only ones that I

13 can recognize are all the way to the right in the package and

14 in the pill bottle, those are methadone, I can tell by the

15 shape. And I had a lot of those, because if I didn't have

16 opiates, I always had a lot of that on hand.

17 Q. Are these different types of pills that you had on hand

18 for your use because you were using opiates?

19 A. Yes.

20 Q. We'll go back to that in a moment.

21 **MR. TRIPI:** Let's go to 42A-16, please.

22 **BY MR. TRIPI:**

23 Q. Tell the jury what they're looking at in this photo.

24 A. Looks like bags of marijuana, it's hard to tell.

25 Q. What's liveGfree? What is that product?

10:28AM 1 A. Some kind of food, probably.

10:28AM 2 Q. Okay. Plant food?

10:28AM 3 A. No, like eating food.

10:28AM 4 Q. Oh, okay.

10:28AM 5 **MR. TRIPI:** Let's go to 42A-17.

10:28AM 6 **BY MR. TRIPI:**

10:28AM 7 Q. Tell the jury what they're looking at there.

10:29AM 8 A. It looks like various pills.

10:29AM 9 Q. And what were the various types of pills you had in your
10 house?

10:29AM 11 A. Morphine, OxyContin, oxycodone, fentanyl pills,
12 methadone, I would have Suboxone sometimes, Adderall.

10:29AM 13 **MR. TRIPI:** Let's go to 42A-18.

10:29AM 14 **BY MR. TRIPI:**

10:29AM 15 Q. Does that depict more ammunition?

10:29AM 16 A. Correct.

10:29AM 17 **MR. TRIPI:** Let's go to 42A-19, please.

10:29AM 18 **BY MR. TRIPI:**

10:29AM 19 Q. More ammunition?

10:29AM 20 A. Correct.

10:29AM 21 **MR. TRIPI:** Let's go to 42A-20, please.

10:29AM 22 **BY MR. TRIPI:**

10:29AM 23 Q. Tell the jury what they're looking at there.

10:29AM 24 A. Empty bags of marijuana.

10:29AM 25 Q. So after you would cut into marijuana, those are the

10:29AM 1 garbage basically?

10:29AM 2 A. Correct.

10:29AM 3 Q. Packaging the marijuana was in, is that right?

10:29AM 4 A. Yes.

10:29AM 5 Q. Okay.

10:29AM 6 **MR. TRIPI:** Let's go to 42A-21, please.

10:29AM 7 **BY MR. TRIPI:**

10:30AM 8 Q. Tell the jury what they're looking at there.

10:30AM 9 A. A plate with cocaine and marijuana residue on it.

10:30AM 10 Q. Okay. And before you used the cocaine, would you put it
10:30AM 11 out on a plate like that?

10:30AM 12 A. Yes.

10:30AM 13 Q. And why would there also be marijuana on that residue on
10:30AM 14 that plate?

10:30AM 15 A. It was messy. They didn't clean it, maybe rolled a
10:30AM 16 joint.

10:30AM 17 Q. So on occasion, you still smoked marijuana?

10:30AM 18 A. Very rarely, but I did.

10:30AM 19 **MR. TRIPI:** Let's go to 42A-22.

10:30AM 20 **BY MR. TRIPI:**

10:30AM 21 Q. Are those more empty packages from the marijuana
10:30AM 22 packaging?

10:30AM 23 A. Correct.

10:30AM 24 **MR. TRIPI:** Let's go to 42A-23.

25

10:30AM

1

BY MR. TRIPI:

10:30AM

2

Q. And tell the jury what they're looking at there.

10:30AM

3

A. Ammunition and a scope for the rifle.

10:30AM

4

Q. And your Seneca Niagara casino card?

10:31AM

5

A. Correct.

10:31AM

6

MR. TRIPI: Let's go to 42A-24.

10:31AM

7

BY MR. TRIPI:

10:31AM

8

Q. Tell the jury what they're looking at here.

10:31AM

9

A. Looks like marijuana maybe on the bottom, empty bags on

10:31AM

10

the top.

10:31AM

11

Q. And is this in a different part of your house?

10:31AM

12

A. My basement.

10:31AM

13

Q. Is that where you would store much of the marijuana at

10:31AM

14

your house?

10:31AM

15

A. Yes.

10:31AM

16

MR. TRIPI: Let's go to 42A-25.

10:31AM

17

BY MR. TRIPI:

10:31AM

18

Q. Tell the jury what they're looking at here.

10:31AM

19

A. That's an air filter.

10:31AM

20

Q. And at a certain point, did you have a marijuana grow

10:31AM

21

actually in your own basement there?

10:31AM

22

A. Yeah, one time.

10:31AM

23

Q. And what year was that?

10:31AM

24

A. I would say 2015.

10:31AM

25

Q. And describe what the air -- what that -- describe the

1 setup that you had and what everything was for.

2 A. Well, the air filter would keep the smell from going
3 throughout the house.

4 Q. Okay. And how did you have it set up down there?

5 A. I had lights hanging from the rafters.

6 Q. How many plants did you have growing?

7 A. I think I had six lights, there were 12 plants per light.

8 So 86, so 76.

9 Q. So you kept it under a hundred?

10 A. Because you couldn't fit that much down there.

11 **MR. TRIPI:** Okay. Let's go to 42A-26.

12 **BY MR. TRIPI:**

13 Q. Tell the jury what they're looking at there.

14 A. That's the -- what you plug the lights into.

15 Q. So this piece of equipment --

16 A. It's a timer.

17 Q. This was part of the grow operation?

18 A. Correct.

19 Q. And what do you mean, that's a timer?

20 A. Well, when you grow marijuana, you've gotta have either
21 18 hours on, six hours off. And then during budding, 12
22 hours on, 12 hours off. That was the timer that would
23 regulate the lights.

24 Q. So you didn't have to go and switch the lights on and
25 off, you had it on a timer?

10:33AM 1 A. Correct.

10:33AM 2 **MR. TRIPI:** Let's go to 42A-27.

10:33AM 3 **BY MR. TRIPI:**

10:33AM 4 Q. And what is this?

10:33AM 5 A. That's my basement. And that's the room that I had the
10:33AM 6 marijuana grow in.

10:33AM 7 Q. So you'd go through that opening through the door, and in
10:33AM 8 that part is where the plants were?

10:33AM 9 A. Correct.

10:33AM 10 **MR. TRIPI:** Okay. Let's go to 42A-28.

10:33AM 11 **BY MR. TRIPI:**

10:33AM 12 Q. Is this more empty packaging that marijuana was in?

10:33AM 13 A. Yes.

10:33AM 14 **MR. TRIPI:** All right. Let's go to 42A-29.

10:33AM 15 **BY MR. TRIPI:**

10:33AM 16 Q. Is that a round of shotgun ammunition?

10:33AM 17 A. Correct.

10:33AM 18 **MR. TRIPI:** Let's go to 42A-30.

10:33AM 19 **BY MR. TRIPI:**

10:33AM 20 Q. Tell the jury what they're looking at there.

10:33AM 21 A. It was a key holder for properties that I owned, or once
10:33AM 22 owned.

10:33AM 23 **MR. TRIPI:** Okay. Let's go to 42A-31.

10:34AM 24 **BY MR. TRIPI:**

10:34AM 25 Q. More marijuana packaging material?

10:34AM 1 A. Yes.

10:34AM 2 Q. I should say empty?

10:34AM 3 A. Yes.

10:34AM 4 **MR. TRIPI:** Let's go to 42A-32, please.

10:34AM 5 **BY MR. TRIPI:**

10:34AM 6 Q. Is this another picture of that same key holder that we
10:34AM 7 saw a moment ago?

10:34AM 8 A. Correct.

10:34AM 9 Q. Okay.

10:34AM 10 **MR. TRIPI:** Ms. Champoux, if you can bring back up
10:34AM 11 42A-15, please.

10:36AM 12 Judge, I don't think we have an objection, but I'll
10:36AM 13 show these to the witness.

10:36AM 14 **BY MR. TRIPI:**

10:36AM 15 Q. Handing up Government Exhibit 55, 56, 57, and 58. Take a
10:36AM 16 look at these for a moment.

10:37AM 17 I think I handed up 54, 55, 56, 57, and 58.

10:37AM 18 Mr. Serio, did you recognize what was in each of those
10:37AM 19 bags, Exhibit 54, 55, 56, 57, and 58?

10:37AM 20 A. Mostly, the pink ones. I'm not sure. They're some form
10:37AM 21 of opiate, and one of the other little baggies some --

10:37AM 22 Q. I'm not asking you exactly what type of drug they are --

10:37AM 23 A. Oh, okay.

10:38AM 24 Q. -- I'm asking you if they're the drugs from your house.

10:38AM 25 A. Yes.

1 Q. Each one of those exhibits?

2 A. Yes.

3 Q. Sorry if I was unclear.

4 **MR. TRIPI:** So, Judge, with that, we offer Exhibits
5 54 through 58 into evidence.

6 **MR. MacKAY:** No objection, Your Honor.

7 **THE COURT:** Received without objection.

8 **(GOV Exhibits 54 - 58 were received in evidence.)**

9 **MR. TRIPI:** I'll hold them up as best I can for the
10 jury, Your Honor.

11 May the record reflect I've published Exhibits 54
12 through 58 for the jury.

13 Ms. Champoux, can we pull up Exhibit 42A-2, I
14 believe.

15 **BY MR. TRIPI:**

16 Q. Mr. Serio, I'm handing you up Exhibit 53.

17 A. Yes.

18 Q. Mr. Serio, did you have a chance to look at Exhibit 53?

19 A. Yes.

20 Q. And does that consist of marijuana and a black garbage
21 bag that's consistent with the photo in 42A-2?

22 A. Yes.

23 Q. This is items that were recovered from your house?

24 A. Correct.

25 **MR. TRIPI:** The government offers Exhibit 53,

1 Your Honor.

2 **MR. MacKAY:** No objection, Your Honor.

3 **THE COURT:** Received without objection.

4 **(GOV Exhibit 53 was received in evidence.)**

5 **MR. TRIPI:** I'll publish it for the jury as best I
6 can.

7 Ms. Champoux, can we go to 42A-7 and A-8, side by
8 side.

9 **BY MR. TRIPI:**

10 Q. That's that same front closet that we looked at where
11 that marijuana was located?

12 A. Correct.

13 Q. Now, another location of yours that was searched that day
14 was at your property at Grimsby; is that correct?

15 A. Correct.

16 Q. Now, at this point in time, you were also spending time
17 sleeping at 91 Grimsby?

18 A. Yes.

19 Q. Tell the jury why you were sort of splitting time?

20 A. Because me and my wife broke up, and the guy she was with
21 was someone that I dealt with, and I didn't trust them, so I
22 started staying there also.

23 Q. Did you start keeping some of your drugs and --

24 A. Yes.

25 Q. -- other valuables at Grimsby?

1 A. Yes.

2 Q. Now, and I'm sorry to bring it up, but just for clarity's
3 sake, was the person who your wife was with someone who used
4 to be part of your organization?

5 A. Yes.

6 Q. Who was that?

7 A. Mario Vacanti.

8 Q. Okay. So when did you split up with your wife, and when
9 did they get together, just in terms of the timeline.

10 A. June 2016.

11 Q. So this is probably into the following year after you had
12 alerted Mario to the fact that he was being investigated?

13 A. Correct.

14 Q. All right. We're going to move on to the Grimsby
15 property now.

16 **MR. TRIPI:** This is going to take a moment,
17 Your Honor, but it's 43A-1 through 99. It's up to you if you
18 want to take a bathroom break while he flips through these, we
19 can do that, it's up to you Judge, or we can keep going.

20 **THE COURT:** Yeah, why don't we do that.

21 **MR. TRIPI:** I can have him look through these during
22 the break.

23 **THE COURT:** Yeah, why don't we take a break rather
24 than waste the jury's time.

25 Remember my instructions about not talking to anyone

1 including each other about the case, and not making up your
2 mind.

3 We'll see you back here in ten or 15 minutes.

4 (Jury excused at 10:43 a.m.)

5 **THE COURT:** Okay. Anything we need to put on the
6 record?

7 **MR. TRIPI:** No, with the Court's permission, unless
8 he needs a bathroom break, I'd like the witness to just look
9 through the photo during the break.

10 **THE COURT:** Yeah, I think even if he does need a
11 bathroom break, he can still look through them.

12 **MR. TRIPI:** That's right.

13 **THE COURT:** Anything else?

14 **MR. MacKAY:** Nothing from us, Judge.

15 **THE COURT:** Okay. Great. We'll see you folks in a
16 few minutes.

17 **THE CLERK:** All rise.

18 (Off the record at 10:44 a.m.)

19 (Back on the record at 10:57 a.m.)

20 (Jury not present.)

21 **THE CLERK:** We are back on the record for the
22 continuation of the jury trial in case number 19-cr-227,
23 United States of America versus Joseph Bongiovanni.

24 All counsel and parties are present.

25 **THE COURT:** Are we ready to go?

10:57AM 1 **MR. TRIPI:** Yes, Judge, thank you.

10:57AM 2 **MR. MacKAY:** We are, Your Honor.

10:57AM 3 **THE COURT:** And how much longer do you think you
10:58AM 4 have, Mr. Tripi?

10:58AM 5 **MR. TRIPI:** I want to be accurate here, Judge, as
10:58AM 6 best I can. I have to go through Grimsby, a little bit of
10:58AM 7 stuff with his phone. I probably have another 30 to 40
10:58AM 8 minutes.

10:58AM 9 **THE COURT:** Okay.

10:58AM 10 **MR. TRIPI:** Yeah.

10:58AM 11 **THE COURT:** Okay. We'll go right into the cross, and
10:58AM 12 break whenever you want to break. Who's gonna cross?

10:58AM 13 **MR. MacKAY:** I am.

10:58AM 14 **THE COURT:** So we'll break whenever you want to
10:58AM 15 break. Okay? Let's bring them back, Pat, please.

10:59AM 16 (Jury seated at 10:59 a.m.)

10:59AM 17 **THE COURT:** The record will reflect that all our
10:59AM 18 jurors, again, are present.

10:59AM 19 I remind the witness that he's still under oath.

10:59AM 20 Mr. Tripi you may continue.

10:59AM 21 **MR. TRIPI:** Thank you, Your Honor.

10:59AM 22 **BY MR. TRIPI:**

10:59AM 23 Q. Mr. Serio, have you had an opportunity to review
11:00AM 24 Government Exhibits marked 43A-1 through 43A-99 for
11:00AM 25 identification?

11:00AM 1 A. Yes.

11:00AM 2 Q. Do those all fairly and accurately depict your residence
11:00AM 3 and the items you had inside the residence at 91 Grimsby,
11:00AM 4 Kenmore, New York, on April 18th, 2017?

11:00AM 5 A. Yes.

11:00AM 6 Q. As well as your black Range Rover that was impounded that
11:00AM 7 day?

11:00AM 8 A. Yes.

11:00AM 9 **MR. TRIPI:** The government offers Exhibits 43A-1
11:00AM 10 through 43A-99, Your Honor.

11:00AM 11 **MR. MacKAY:** No objection, Your Honor.

11:00AM 12 **THE COURT:** They are received without objection.

11:00AM 13 **(GOV Exhibits 43A-1 - 43A-99 were received in evidence.)**

11:00AM 14 **MR. TRIPI:** Ms. Champoux, can we begin at 43A-1,
11:00AM 15 please.

11:00AM 16 **BY MR. TRIPI:**

11:00AM 17 Q. And Mr. Serio, can you tell the jury what they're looking
11:00AM 18 at in this photo?

11:00AM 19 A. Packaged marijuana.

11:00AM 20 Q. And the marijuana is that tan package underneath the gray
11:00AM 21 bag there?

11:00AM 22 A. Correct.

11:00AM 23 **MR. TRIPI:** Can we go to 43A-2, please?

11:01AM 24 **BY MR. TRIPI:**

11:01AM 25 Q. Tell the jury what they're looking at in that photo.

11:01AM 1 A. Packaged marijuana.

11:01AM 2 **MR. TRIPI:** Can we go to 42 -- 43A-3, please.

11:01AM 3 **BY MR. TRIPI:**

11:01AM 4 Q. Tell the jury what they're looking at there.

11:01AM 5 A. Sandwich bags.

11:01AM 6 Q. Would you use those at all in the dealing?

11:01AM 7 A. Nah, I think that's just for food.

11:01AM 8 Q. Okay. Sometimes you can use them for dealing, right?

11:01AM 9 A. Yeah.

11:01AM 10 **MR. TRIPI:** Okay. 43A-4, can we show that one?

11:01AM 11 **BY MR. TRIPI:**

11:01AM 12 Q. More food bags?

11:01AM 13 A. Correct.

11:01AM 14 **MR. TRIPI:** All right. 43A-5, please. We'll go to
11:01AM 15 43A-6.

11:01AM 16 **BY MR. TRIPI:**

11:01AM 17 Q. And can you tell the jury what's depicted there?

11:01AM 18 A. Cleaning supplies, and it looks like maybe a scale in
11:01AM 19 that bucket.

11:01AM 20 Q. And the scale in the bucket, what's that used for?

11:01AM 21 A. To weigh marijuana.

11:02AM 22 Q. Would you weigh other drugs, too?

11:02AM 23 A. Yeah, cocaine and heroin.

11:02AM 24 **MR. TRIPI:** Will you go to 43A-7, please?
25

2 | Q. And what is that?

4 **MR. TRIPI:** Can we go to 43A-8, please?

6 Q. Is that a closer view of the scale that was inside the
7 bucket under the sink?

9 **MR. TRIPI:** Can we go to 43A-9, please?

11 Q. Tell the jury what they're looking at there.

13 Q. And it says FoodSaver on that. Would you use that for
14 food? Or would you use that to package drugs?

16 **MR. TRIPI:** Okay. Go to 43A-10, please.

18 | Q. Tell the jury what they're looking at there.

20 Q. Circle on the screen, if you could, the cocaine for the
21 jury.

23	A. Yep.
----	---------

25 | A. I think it was, like, 5 ounces.

1 Q. And the Adderall are those orange-looking pills?

2 A. Correct.

3 **THE COURT:** The record should reflect that he circled
4 a white substance toward the left side of the photo, I'm
5 sorry, the right side of the photo.

6 **MR. TRIPI:** Thank you, Your Honor.

7 Can we go to 43A-11, Ms. Champoux?

8 **BY MR. TRIPI:**

9 Q. And we're looking at that same shelf, but now there's
10 another prescription there?

11 A. Yes.

12 Q. What is that one?

13 A. Also Adderall.

14 Q. Okay. Just different looking pills in there?

15 A. Yes.

16 **MR. TRIPI:** 43A-12, please.

17 **BY MR. TRIPI:**

18 Q. Is that a close-up of the Adderall pills we saw a moment
19 ago?

20 A. Correct.

21 **MR. TRIPI:** Let's go to 43A-13, please.

22 And we'll go to 43A-14.

23 **BY MR. TRIPI:**

24 Q. Is this one a close-up photo of the cocaine that you
25 circled a moment ago?

11:04AM 1 A. Correct.

11:04AM 2 **MR. TRIPI:** Let's go to 43A-15.

11:04AM 3 **BY MR. TRIPI:**

11:04AM 4 Q. Describe for the jury what's in there, principally, on
11:04AM 5 that second shelf.

11:04AM 6 A. Vacuum sealer for marijuana, and marijuana in the
11:04AM 7 package.

11:04AM 8 **MR. TRIPI:** Let's go to 43A-16, please.

11:04AM 9 43A-17 please.

11:04AM 10 **BY MR. TRIPI:**

11:04AM 11 Q. And can you tell the jury what they're looking at there?

11:04AM 12 A. It looks like marijuana.

11:04AM 13 **MR. TRIPI:** Can we go to 43A-18, please?

11:04AM 14 **BY MR. TRIPI:**

11:04AM 15 Q. Is that a close-up of the marijuana that we saw a moment
11:04AM 16 ago?

11:04AM 17 A. Correct.

11:04AM 18 **MR. TRIPI:** Let's go to 43A-19, please.

11:05AM 19 **BY MR. TRIPI:**

11:05AM 20 Q. Is that Mark Falzone's address?

11:05AM 21 A. Correct.

11:05AM 22 Q. That's the address where you had one of the deliveries
11:05AM 23 from Jarrett Guy?

11:05AM 24 A. Yes.

11:05AM 25 **MR. TRIPI:** Let's go to 43A-20.

11:05AM

1

BY MR. TRIPI:

11:05AM

2

Q. And is this a look inside one of the bags of marijuana?

11:05AM

3

A. Correct.

11:05AM

4

MR. TRIPI: Let's go to 43A-21, please.

11:05AM

5

We'll go to 43A-22.

11:05AM

6

BY MR. TRIPI:

11:05AM

7

Q. Tell the jury what that is.

11:05AM

8

A. Those are the fentanyl pills.

11:05AM

9

MR. TRIPI: Could you zoom in on those, just the pill

11:05AM

10

portion?

11:05AM

11

BY MR. TRIPI:

11:05AM

12

Q. So are those green round pills that are made to look like

11:05AM

13

OxyContin?

11:05AM

14

A. Correct.

11:05AM

15

Q. Those are fentanyl?

11:05AM

16

A. Yes.

11:05AM

17

MR. TRIPI: Go to 43A-23.

11:06AM

18

BY MR. TRIPI:

11:06AM

19

Q. Are those just documents that link you to the residence?

11:06AM

20

A. Yes.

11:06AM

21

MR. TRIPI: Let's go to 43A-24.

11:06AM

22

Let's go to 43A-25.

11:06AM

23

BY MR. TRIPI:

11:06AM

24

Q. Who was Sheila Anderson, do you know?

11:06AM

25

A. That's my brother's girlfriend.

11:06AM 1 Q. So she had some National Grid in her name?

11:06AM 2 A. Correct.

11:06AM 3 **MR. TRIPI:** Let's go to 43A-26.

11:06AM 4 Let's go to 43A-27.

11:06AM 5 **BY MR. TRIPI:**

11:06AM 6 Q. Another document has your address -- your name and

11:06AM 7 address at 697 Lebrun, but this was located in 91 Grimsby?

11:06AM 8 A. Correct.

11:06AM 9 **MR. TRIPI:** Let's go to 43A-28.

11:06AM 10 **BY MR. TRIPI:**

11:07AM 11 Q. What's the jury looking at there?

11:07AM 12 A. More bills in my name.

11:07AM 13 Q. And those bills have your address at 697 Lebrun?

11:07AM 14 A. Correct.

11:07AM 15 Q. So were you taking your mail over to Grimsby?

11:07AM 16 A. Yes.

11:07AM 17 **MR. TRIPI:** Let's go to 43A-29.

11:07AM 18 Let's go to 43A-30.

11:07AM 19 **BY MR. TRIPI:**

11:07AM 20 Q. You had an account at Northwest Bank in your name?

11:07AM 21 A. Yes.

11:07AM 22 **MR. TRIPI:** Let's go to 43A-31.

11:07AM 23 43A-32.

11:07AM 24 Let's go to 43A-33.

25

25 | Q. What's that a photo of?

1 A. Of people that owed me money.

2 Q. Keeping track?

3 A. Yes.

4 **MR. TRIPI:** Let's go to 43A-37.

5 Sometimes the government's like an old lawnmower,
6 Judge, they don't start.

7 **THE CLERK:** What's going on?

8 **MR. TRIPI:** We unplugged, and we're plugging back in.

9 **THE CLERK:** Okay.

10 **MR. TRIPI:** I can switch to the lamp.

11 **THE COURT:** In the old days we'd just whack things
12 when they didn't work, now we plug them and unplug them.

13 **MR. TRIPI:** I'm not much more advanced than that,
14 Judge.

15 All right. We're back up and running. 43A-37.

16 **BY MR. TRIPI:**

17 Q. Is this part of your tax information?

18 A. Correct.

19 Q. Did you file jointly for that year?

20 A. Yes.

21 **MR. TRIPI:** Just zoom in on the upper right-hand part
22 with the dollar amount.

23 **BY MR. TRIPI:**

24 Q. What were you claiming as your adjusted gross income for
25 that tax year?

1 A. It was 1.2 million.

2 **MR. TRIPI:** Can we go to 43A-38?

3 **BY MR. TRIPI:**

4 Q. Now that 1.2 million, that didn't include any money you
5 made selling drugs, right?

6 A. No.

7 **MR. TRIPI:** Let's go to 43A-38.

8 **BY MR. TRIPI:**

9 Q. Is this a close-up view of the cocaine we saw earlier?

10 A. Yes.

11 **MR. TRIPI:** Let's go to 43A-39, please.

12 **BY MR. TRIPI:**

13 Q. Is that a drawer in the house that had another scale?

14 A. Yes.

15 **MR. TRIPI:** Let's go to 43A-40, please.

16 **BY MR. TRIPI:**

17 Q. Tell the jury what they're looking at in this photo.

18 A. Marijuana seeds.

19 Q. And where would -- where -- what kind of seeds are those?

20 A. They're auto seeds.

21 Q. Where do you get them from?

22 A. Canada.

23 Q. How do you use those seeds?

24 A. You just plant them in the ground and you grow them.

25 Q. What do you mean by auto seeds, I guess?

1 A. 'Cuz typically, growing marijuana, you gotta plant it in
2 June, and then it matures at the end of October, beginning to
3 end of October. But what this does, it doesn't need the
4 light cycle. So you plant it, and then by August it's
5 finished.

6 Q. So this is a type of seed that allows you to grow faster?

7 A. Faster, correct.

8 Q. Could you get more grows out of a grow season with those
9 seeds?

10 A. Not really. It's just more so, I mean, you get less
11 marijuana, but it's just the longer it goes, the better
12 opportunity you have to get caught. And the longer it goes
13 in the season, it becomes moldy and dark. So you get less
14 money for it.

15 Q. Did you use those auto seeds outdoors or indoors or both?

16 A. Outdoors only.

17 Q. Only?

18 A. Yes.

19 **MR. TRIPI:** Let's go to 43A-41, please.

20 **BY MR. TRIPI:**

21 Q. Is that a photo of some baking soda?

22 A. Yes.

23 Q. Now sometimes that's used by people to cut drugs; is that
24 right?

25 A. Only if you cook cocaine. Because if you snort that,

11:13AM 1 you'd throw up.

11:13AM 2 Q. So you weren't using -- you weren't selling crack, were
11:13AM 3 you?

11:13AM 4 A. No.

11:13AM 5 **MR. TRIPI:** Let's go to 43A-42.

11:13AM 6 43A-43.

11:13AM 7 **BY MR. TRIPI:**

11:13AM 8 Q. Is this a photo of some ammunition that was in one of the
11:13AM 9 drawers?

11:13AM 10 A. Yes.

11:13AM 11 **MR. TRIPI:** Let's go to 43A-44.

11:13AM 12 **BY MR. TRIPI:**

11:13AM 13 Q. And a little hard to see, but what's the jury looking at
11:13AM 14 there?

11:13AM 15 A. A black garbage bag.

11:13AM 16 Q. Is there any marijuana in that, do you recall?

11:13AM 17 A. I would imagine so. That's the only reason I would have
11:13AM 18 a black bag hanging around.

11:13AM 19 **MR. TRIPI:** Okay. Let's go to 43A-45.

11:13AM 20 **BY MR. TRIPI:**

11:14AM 21 Q. Is that a better look inside that bag?

11:14AM 22 A. Yes.

11:14AM 23 **MR. TRIPI:** Let's go to 43A-46.

11:14AM 24 **BY MR. TRIPI:**

11:14AM 25 Q. Is that a further look inside the black bag?

11:14AM 1 A. Yes.

11:14AM 2 Q. Are those 1-pound packages of marijuana?

11:14AM 3 A. I believe those ones might be 2 pounds, I'm not sure
11:14AM 4 though.

11:14AM 5 **MR. TRIPI:** Let's go to 43A-dash -- withdrawn.

11:14AM 6 **BY MR. TRIPI:**

11:14AM 7 Q. When you would get the 2-pound packages, you would break
11:14AM 8 them back down into 1-pound packages?

11:14AM 9 A. Correct.

11:14AM 10 Q. Is that why you had some of the packaging material and
11:14AM 11 the FoodSaver to reseal?

11:14AM 12 A. Yes, one of the reasons.

11:14AM 13 Q. Okay.

11:14AM 14 **MR. TRIPI:** Let's go to 43A-47.

11:14AM 15 **BY MR. TRIPI:**

11:14AM 16 Q. What part of the residence is this now?

11:14AM 17 A. That's the garage.

11:14AM 18 Q. Did you have more marijuana in the garage area?

11:14AM 19 A. Yes.

11:14AM 20 **MR. TRIPI:** Let's go to 43A-48, please.

11:14AM 21 **BY MR. TRIPI:**

11:14AM 22 Q. Now, this house you weren't fully moved in, were you?

11:14AM 23 A. No.

11:15AM 24 **MR. TRIPI:** Let's go to 43A- -- I guess I can't see
11:15AM 25 that number, Ms. Champoux. Let's go to the next one in the

11:15AM 1 sequence.

11:15AM 2 Okay. That's 43A-48.

11:15AM 3 Let's go to 43A-49, please.

11:15AM 4 **BY MR. TRIPI:**

11:15AM 5 Q. Now, that's -- that's a U-Haul box?

11:15AM 6 A. Correct.

11:15AM 7 Q. Describe how those -- just remind the jury how U-Haul

11:15AM 8 boxes were used in the context of the operation?

11:15AM 9 A. I would put the marijuana in there instead of -- it was
11:15AM 10 cheaper than duffle bags. And you can't really walk outside
11:15AM 11 with a black garbage bag all the time.

11:15AM 12 Q. Did other people that you were working with use U-Haul
11:15AM 13 boxes like that, too?

11:15AM 14 A. Yes.

11:15AM 15 Q. Who else did?

11:15AM 16 A. Anthony Gerace.

11:15AM 17 **MR. TRIPI:** Let's go to 43A-50.

11:16AM 18 Let's go to 43A-51, please.

11:16AM 19 Let's go to 43A-52, please.

11:16AM 20 **BY MR. TRIPI:**

11:16AM 21 Q. Is this basically just showing some of your clothes that
11:16AM 22 were in the closet --

11:16AM 23 A. Correct.

11:16AM 24 Q. -- demonstrating that you were staying there?

11:16AM 25 A. Yes.

11:16AM 1 **MR. TRIPI:** Let's go to 43A-53.

11:16AM 2 43A-54.

11:16AM 3 Let's go to 43A-55, please.

11:16AM 4 **BY MR. TRIPI:**

11:16AM 5 Q. Most of the house was unfurnished?

11:16AM 6 A. Yes.

11:16AM 7 **MR. TRIPI:** Let's go to 43A-56, please.

11:16AM 8 43A-57, please.

11:17AM 9 **BY MR. TRIPI:**

11:17AM 10 Q. What is that contraption?

11:17AM 11 A. For my back. I've got a bad back.

11:17AM 12 **MR. TRIPI:** Let's go to 43A-58.

11:17AM 13 And 43A-59.

11:17AM 14 43A-60, please.

11:17AM 15 43A-61, please.

11:17AM 16 **BY MR. TRIPI:**

11:17AM 17 Q. Is this basically the one bedroom you were sleeping in?

11:17AM 18 A. Yes.

11:17AM 19 **MR. TRIPI:** Let's go to 43A-62, please.

11:17AM 20 Let's go to 43A-63, please.

11:17AM 21 Let's go to 43A-64, please.

11:17AM 22 43A-65, please.

11:17AM 23 43A-66, please.

11:18AM 24 43A-67, please.

11:18AM 25 Let's go to 43A-68, please.

25 **MR. TRIPI:** Let's go to 43A-79, please.

11:19AM 1 And 43A-80, please.

11:19AM 2 **BY MR. TRIPI:**

11:19AM 3 Q. Is this some of the marijuana that you had stored in the
11:19AM 4 residence?

11:19AM 5 A. Yes.

11:19AM 6 **MR. TRIPI:** Let's go to 43A-81, please.

11:19AM 7 **BY MR. TRIPI:**

11:19AM 8 Q. Another picture of some of the marijuana?

11:19AM 9 A. Yes.

11:19AM 10 **MR. TRIPI:** 43A-82, please.

11:19AM 11 **BY MR. TRIPI:**

11:19AM 12 Q. Is that more marijuana in those -- what you estimated to
11:19AM 13 be the 2-pound bricks?

11:20AM 14 A. Correct.

11:20AM 15 **MR. TRIPI:** Let's go to 43A-83, please.

11:20AM 16 And 43A-84, please.

11:20AM 17 **BY MR. TRIPI:**

11:20AM 18 Q. And what is the jury seeing there?

11:20AM 19 A. A box of marijuana.

11:20AM 20 Q. Multiple packages?

11:20AM 21 A. Correct.

11:20AM 22 Q. And what size packages are those?

11:20AM 23 A. It's hard to tell, but probably pound packages.

11:20AM 24 **MR. TRIPI:** Let's go to 43A-85, please.

25

MR. TRIPI: Let's go to 43A-91.

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BY MR. TRIPI:

Q. Is that more Adderall?

A. Yes.

Q. And is this now in the kitchen, or the bathroom?

A. Bathroom.

Q. Cabinet.

MR. TRIPI: Let's go to 43A-92.

43A-93.

BY MR. TRIPI:

Q. Okay. Now we're getting to pictures of your Range Rover;
is that right?

A. Correct.

Q. Let's pause there for a moment.

MR. TRIPI: Ms. Champoux, let's go back to 43A-39.

I'll take Exhibit 270.

BY MR. TRIPI:

Q. Mr. Serio, I'm going to hand you up Government
Exhibit 270. Do you recognize Exhibit 270?

A. Yes.

Q. Are those scales that were inside the residence at
91 Grimsby?

A. Yes.

MR. TRIPI: The government offers Exhibit 270,
Your Honor.

MR. MacKAY: No objection.

11:24AM 1 **THE COURT:** Received without objection.

11:24AM 2 **(GOV Exhibit 270 was received in evidence.)**

11:24AM 3 **MR. TRIPI:** Can we put up Exhibit 43-40, please?

11:24AM 4 I'll take Exhibit 268.

11:24AM 5 **BY MR. TRIPI:**

11:24AM 6 Q. Do you recognize Exhibit 268?

11:24AM 7 A. Yes.

11:24AM 8 Q. What are those?

11:24AM 9 A. The marijuana seeds.

11:24AM 10 Q. Are those the photos depicted in Government Exhibit

11:24AM 11 43A-40?

11:24AM 12 A. Yes.

11:24AM 13 **MR. TRIPI:** The government offers Exhibit 268.

11:25AM 14 **MR. MacKAY:** No objection.

11:25AM 15 **THE COURT:** Received without objection.

11:25AM 16 **(GOV Exhibit 268 was received in evidence.)**

11:25AM 17 **MR. TRIPI:** I'm going to publish Exhibits 268 and 270

11:25AM 18 for the jury, Your Honor.

11:25AM 19 Ms. Champoux, if we can pull up Government Exhibit

11:25AM 20 43A-45 and split the screen with 43A-73.

11:25AM 21 43A-45 and 43A-73.

11:26AM 22 **BY MR. TRIPI:**

11:26AM 23 Q. Handing up, Mr. Serio, Exhibit 269 and Exhibit 265.

11:26AM 24 A. Yes.

11:26AM 25 Q. Do you recognize those items?

1 A. I do.

2 Q. What do you recognize them to be?

3 A. Furniture that was in Grimsby.

4 **MR. TRIPI:** The government offers Exhibit 265 and
5 269, Your Honor.

6 **MR. MacKAY:** No objection, Your Honor.

7 **THE COURT:** Received without objection.

8 **(GOV Exhibits 265 and 269 were received in evidence.)**

9 **MR. TRIPI:** I'm going to publish them for the jury.

10 Now we can go to 43A-73.

11 And I'll need number Exhibit Number 275. Handing up
12 Exhibit 275.

13 **BY MR. TRIPI:**

14 Q. Do you recognize Exhibit 275?

15 A. Yes.

16 Q. Do you recognize that to be the scale depicted in
17 Exhibit 43A-73?

18 A. Yes.

19 **MR. TRIPI:** The government offers Exhibit 275,
20 Your Honor.

21 **MR. MacKAY:** No objection, Your Honor.

22 **THE COURT:** Received without objection.

23 **(GOV Exhibit 275 was received in evidence.)**

24 **MR. TRIPI:** Publishing it for the jury.

25 Can we pull up Exhibit 43A-81, please?

11:28AM

1 I'll take Exhibit 279.

11:28AM

2 **BY MR. TRIPI:**

11:28AM

3 Q. Handing up now Exhibit 279. Mr. Serio, do you recognize

11:29AM

4 Exhibit 279 to be more of the marijuana seized from Grimsby

11:29AM

5 as depicted in Exhibit 43A-81?

11:29AM

6 A. Yes.

11:29AM

7 **MR. TRIPI:** The government offers Exhibit 279,

11:29AM

8 Your Honor.

11:29AM

9 **MR. MacKAY:** No objection.

11:29AM

10 **THE COURT:** Received without objection.

11:29AM

11 **(GOV Exhibit 279 was received in evidence.)**

11:29AM

12 **MR. TRIPI:** Publishing it for the jury.

11:29AM

13 Can we put up on the screen, Ms. Champoux, 43A-82.

11:29AM

14 And I'll take Government Exhibit 280.

11:29AM

15 **BY MR. TRIPI:**

11:30AM

16 Q. Handing up Government Exhibit 280.

11:30AM

17 A. Yes.

11:30AM

18 Q. Mr. Serio, is physical exhibit Government Exhibit 280, is

11:30AM

19 that marijuana that's depicted in the photo that's in

11:30AM

20 evidence as Government Exhibit 43A-82?

11:30AM

21 A. Yes.

11:30AM

22 **MR. TRIPI:** The government offers Exhibit 280,

11:30AM

23 Your Honor.

11:30AM

24 **MR. MacKAY:** No objection, Your Honor.

11:30AM

25 **THE COURT:** Received without objection.

11:30AM 1 (GOV Exhibit 280 was received in evidence.)

11:30AM 2 MR. TRIPI: Thank you. Handing up 281A.

11:31AM 3 THE COURT: 218A?

11:31AM 4 MR. TRIPI: A, Your Honor.

11:31AM 5 THE WITNESS: Yes.

11:31AM 6 BY MR. TRIPI:

11:31AM 7 Q. Mr. Serio, I'm showing you Government Exhibit 281. Is

11:31AM 8 that packaging material that was associated with some of the

11:31AM 9 marijuana in 91 Grimsby?

11:31AM 10 A. Yes.

11:31AM 11 MR. TRIPI: The government offers Exhibit 281A,

11:31AM 12 Your Honor.

11:31AM 13 MR. MacKAY: No objection.

11:31AM 14 THE COURT: Received without objection.

11:32AM 15 (GOV Exhibit 281A was received in evidence.)

11:32AM 16 BY MR. TRIPI:

11:32AM 17 Q. Now showing you, Mr. Serio, Exhibit 281B.

11:32AM 18 A. Yes.

11:32AM 19 Q. Mr. Serio, is Exhibit 281B more of the tan-packaged

11:32AM 20 marijuana that's depicted in Exhibit 43A-82?

11:32AM 21 A. Yes.

11:32AM 22 MR. TRIPI: The government offers Exhibit 281B,

11:32AM 23 Your Honor.

11:32AM 24 MR. MacKAY: No objection, Your Honor.

11:32AM 25 THE COURT: Received without objection.

11:32AM 1 (GOV Exhibit 281B was received in evidence.)

11:32AM 2 BY MR. TRIPI:

11:32AM 3 Q. Mr. Serio, now that you can take a look at these, are
11:32AM 4 these 1- or 2-pound bricks?

11:32AM 5 A. I believe those were 2-pound.

11:32AM 6 MR. TRIPI: Okay. Now publishing for the jury.

11:33AM 7 Ms. Champoux, if we can go to 43A-84.

11:33AM 8 BY MR. TRIPI:

11:33AM 9 Q. Mr. Serio, do you see that box on the screen?

11:33AM 10 A. Yes.

11:33AM 11 Q. Do you see Government Exhibit 276 here?

11:33AM 12 A. Yes.

11:33AM 13 MR. TRIPI: Mr. MacKay, do you need me to carry this
11:33AM 14 over?

11:33AM 15 MR. MacKAY: No.

11:33AM 16 BY MR. TRIPI:

11:33AM 17 Q. Okay. Does Exhibit 276 both depict the box and the
11:33AM 18 marijuana recovered in the box in 43A-84?

11:33AM 19 A. Yes.

11:33AM 20 MR. TRIPI: The government offers Exhibit 276,
11:33AM 21 Your Honor.

11:33AM 22 MR. MacKAY: No objection.

11:33AM 23 THE COURT: Received without objection.

11:33AM 24 (GOV Exhibit 276 was received in evidence.)

11:33AM 25 MR. TRIPI: I'm now going to publish it for the jury.

1 I'm going to break it.

2 Ms. Champoux, can we pull up Exhibit 43A-86, please?

3 **BY MR. TRIPI:**

4 Q. Mr. Serio, I'm going to hand up Exhibit 271.

5 A. Yes.

6 Q. Do you recognize Exhibit 271?

7 A. Yes, I do.

8 Q. What do you recognize it to be?

9 A. Adderall.

10 Q. Are those the Adderall pills depicted in the prescription
11 containers on the shelf as depicted in Exhibit 43A-86?

12 A. Yes.

13 **MR. TRIPI:** The government offers Exhibit 271,
14 Your Honor.

15 **MR. MacKAY:** No objection, Your Honor.

16 **THE COURT:** Received without objection.

17 **(GOV Exhibit 271 was received in evidence.)**

18 **MR. TRIPI:** Publishing it for the jury.

19 Can we get 43A-38 on the screen, Ms. Champoux?

20 And I'll take Exhibit 273.

21 **BY MR. TRIPI:**

22 Q. Now handing up Government Exhibit 266.

23 A. Yeah.

24 Q. Mr. Serio, do you recognize Government Exhibit 266?

25 A. Yes.

11:36AM 1 Q. Is that the cocaine depicted in 43A-38?

11:36AM 2 A. Yes.

11:36AM 3 Q. Other than being taken out of the original packaging for
11:36AM 4 testing, is it in the same or substantially same condition?

11:37AM 5 A. Yes.

11:37AM 6 **MR. TRIPI:** The government offers Exhibit 266,
11:37AM 7 Your Honor.

11:37AM 8 **MR. MacKAY:** No objection, Your Honor.

11:37AM 9 **THE COURT:** Received without objection.

11:37AM 10 **(GOV Exhibit 266 was received in evidence.)**

11:37AM 11 **BY MR. TRIPI:**

11:37AM 12 Q. Now, Mr. Serio, I'm going to ask you, and answer this
11:37AM 13 only if you know, that the cocaine in this packaging now
11:37AM 14 looks to be less white than the photo?

11:37AM 15 A. Yes.

11:37AM 16 Q. Do you know why that happens?

11:37AM 17 A. Because when they cut it, I believe it's -- they compress
11:37AM 18 it back with acetone. And over time, the acetone will turn
11:37AM 19 it yellow.

11:37AM 20 **MR. TRIPI:** 266 is in evidence. Now publishing it
11:37AM 21 for the jury, Your Honor.

11:37AM 22 Ms. Champoux, can we pull up Government Exhibit
11:38AM 23 43A-90?

11:38AM 24 Could you also, side by side, put up 43A-91,
11:38AM 25 Ms. Champoux?

11:38AM

1

BY MR. TRIPI:

11:38AM

2

Q. Does Exhibit 274, which I just showed you, contain

11:38AM

3

Adderall as well as another prescription bottle removed from

11:38AM

4

the bathroom cabinet?

11:38AM

5

A. Yes.

11:38AM

6

MR. TRIPI: The government offers Exhibit 274,

11:38AM

7

Your Honor.

11:38AM

8

MR. MacKAY: No objection, Your Honor.

11:38AM

9

THE COURT: Received without objection.

11:38AM

10

(GOV Exhibit 274 was received in evidence.)

11:38AM

11

MR. TRIPI: Could we pull up Exhibit 43A-17 next to

11:39AM

12

43A-20, Ms. Champoux?

11:39AM

13

BY MR. TRIPI:

11:39AM

14

Q. I'm now showing you, Mr. Serio, Government Exhibit 272.

11:39AM

15

A. Yes.

11:39AM

16

Q. Mr. Serio, is Government Exhibit 272 additional marijuana

11:40AM

17

seized from 91 Grimsby, as depicted in the photos in evidence

11:40AM

18

as Government Exhibit 43A-17 and 43A-20? You see a Dash's

11:40AM

19

grocery bag there?

11:40AM

20

A. Yes.

11:40AM

21

MR. TRIPI: The government offers Exhibit 272,

11:40AM

22

Your Honor.

11:40AM

23

MR. MacKAY: No objection, Your Honor.

11:40AM

24

THE COURT: Received without objection.

11:40AM

25

(GOV Exhibit 272 was received in evidence.)

1 **MR. TRIPI:** Ms. Champoux, can we pull up Government
2 Exhibit 43A-22.

3 I'm now showing Mr. Serio Government Exhibit 267,
4 Your Honor.

5 **THE WITNESS:** Yes.

6 **BY MR. TRIPI:**

7 Q. Mr. Serio, do you recognize Government Exhibit 267?

8 A. Yes.

9 Q. What do you recognize it to be?

10 A. Fentanyl pills.

11 Q. Are those the green fentanyl pills that were made to look
12 like oxycodone that you described earlier, also as depicted
13 in 43A-22 in evidence?

14 A. Correct.

15 **MR. TRIPI:** The government offers Exhibit 267,
16 Your Honor.

17 **MR. MacKAY:** No objection, Your Honor.

18 **THE COURT:** Received without objection.

19 **(GOV Exhibit 267 was received in evidence.)**

20 **MR. TRIPI:** Publishing for the jury, Your Honor.

21 Now, Ms. Champoux, if we can pick up with 43A-93.

22 **BY MR. TRIPI:**

23 Q. Mr. Serio, just to reorient the jury, is this a
24 photograph of your Range Rover after it was taken from Kelly
25 Brace's house?

11:42AM 1 A. Yes.

11:42AM 2 **MR. TRIPI:** Okay. Can we go to 43A-94.

11:42AM 3 **BY MR. TRIPI:**

11:42AM 4 Q. Now, did you have marijuana and drug evidence also in
11:42AM 5 your Range Rover?

11:42AM 6 A. Yes.

11:42AM 7 Q. And 43A-94, what's the jury looking at there?

11:42AM 8 A. Marijuana.

11:42AM 9 Q. And how would you secrete it in your vehicle when you
11:42AM 10 drove around?

11:42AM 11 A. There was a -- just in the factory, the way it's made,
11:42AM 12 you could pull up the back seat, like, fold it over. And I
11:42AM 13 put it in there, put it in the seat back.

11:42AM 14 **MR. TRIPI:** Okay. Let's go to 43A-94 -- or, 95, I'm
11:42AM 15 sorry.

11:42AM 16 **BY MR. TRIPI:**

11:42AM 17 Q. And could you tell the jury, there's -- that looks like
11:42AM 18 some items on the floor of the back seat there. Can you tell
11:42AM 19 the jury what's depicted there?

11:42AM 20 A. A box of money.

11:43AM 21 Q. Is that money in that box that says Pro Bar?

11:43AM 22 A. Yes.

11:43AM 23 **MR. TRIPI:** Let's go to 43A-96.

11:43AM 24 Ms. Champoux, can we zoom in on the box so it pops
11:43AM 25 out a little more for the jury? Okay.

11:43AM 1 You can zoom out of there and go to 43A-97, please.

11:43AM 2 **BY MR. TRIPI:**

11:43AM 3 Q. Is that that same box?

11:43AM 4 A. Yes.

11:43AM 5 **MR. TRIPI:** Let's go to 43A-98, please.

11:43AM 6 **BY MR. TRIPI:**

11:43AM 7 Q. Are those several phones that you had?

11:43AM 8 A. Yes.

11:43AM 9 Q. What kind of phones are they?

11:43AM 10 A. Two iPhones and one burner phone.

11:43AM 11 Q. And is the Samsung the burner phone --

11:43AM 12 A. Yes.

11:43AM 13 Q. -- as you're describing it?

11:43AM 14 **MR. TRIPI:** Can we bring up 43A-99 next to that?

11:44AM 15 Okay. Hold that up for just a moment.

11:45AM 16 Your Honor, I'm handing up Government Exhibit 44,

11:45AM 17 just for record purposes, agents have just cut into this

11:45AM 18 envelope to open it. There's an iPhone inside.

11:45AM 19 **THE WITNESS:** Yes.

11:46AM 20 **BY MR. TRIPI:**

11:46AM 21 Q. Mr. Serio, do you recognize Government Exhibit 44?

11:46AM 22 A. Yes.

11:46AM 23 Q. Is that the Apple iPhone that's depicted at the top of

11:46AM 24 the photo in Exhibit 43A-98?

11:46AM 25 A. Yes.

11:46AM 1 Q. With the cracked screen in the upper right-hand corner?

11:46AM 2 A. Yes.

11:46AM 3 **MR. TRIPI:** Publishing Exhibit 44.

11:46AM 4 **THE COURT:** Is it admitted?

11:46AM 5 **MR. TRIPI:** Oh, sorry. I offer it, Judge. I guess I
11:46AM 6 jumped the gun.

11:46AM 7 **MR. MacKAY:** No objection to admission of the phone,
11:46AM 8 Your Honor.

11:46AM 9 **THE COURT:** It's admitted without objection.

11:46AM 10 **MR. TRIPI:** Sorry about that, Your Honor.

11:46AM 11 **THE COURT:** That's okay.

11:46AM 12 **(GOV Exhibit 44 was received in evidence.)**

11:46AM 13 **THE COURT:** Just shows you I'm paying attention.

11:46AM 14 **MR. TRIPI:** That's right. I was checking you, Judge.

11:46AM 15 **BY MR. TRIPI:**

11:46AM 16 Q. Now, as to that iPhone, I'm just going to skip ahead.

11:46AM 17 Eventually, did you give the FBI permission, consent, to
11:47AM 18 search that phone?

11:47AM 19 A. Yes.

11:47AM 20 Q. And did they do what's called an extraction of your
11:47AM 21 phone?

11:47AM 22 A. Yes.

11:47AM 23 Q. And did you review that extraction to look at to see if
11:47AM 24 the content of what they took off the phone was what you had
11:47AM 25 on that phone?

11:47AM 1 A. Yes.

11:47AM 2 Q. And you reviewed contacts and communications that you had
11:47AM 3 in the phone?

11:47AM 4 A. Correct.

11:48AM 5 **MR. TRIPI:** Handing up Government Exhibit 45.

11:48AM 6 **BY MR. TRIPI:**

11:48AM 7 Q. Now, Mr. Serio, prior to your testifying here today, you
11:48AM 8 reviewed the extraction for that iPhone that we just looked
11:48AM 9 at, Government Exhibit 44?

11:48AM 10 A. Correct.

11:48AM 11 Q. And the contents of that phone are on a CD, right?

11:48AM 12 A. Yes.

11:48AM 13 Q. A disk? Did you, after you looked at the contents of the
11:49AM 14 phone, did you initial the disk to verify that that was the
11:49AM 15 content of your Apple iPhone?

11:49AM 16 A. Yes, I did.

11:49AM 17 Q. Do you recognize that CD?

11:49AM 18 A. Yes, I do.

11:49AM 19 Q. Do you see your initials on there?

11:49AM 20 A. I do.

11:49AM 21 Q. Did you place your initials on that CD after you verified
11:49AM 22 that the contents of Exhibit 44 were on that CD?

11:49AM 23 A. Yes.

11:49AM 24 Q. And did that include contacts, text messages, whatever
11:49AM 25 the FBI was able to extract off the phone?

11:49AM 1 A. Yes.

11:49AM 2 **MR. TRIPI:** 45, Judge, is for identification only.

11:50AM 3 **BY MR. TRIPI:**

11:50AM 4 Q. Mr. Serio, I'm going to hand you up Government

11:50AM 5 Exhibit 46. I'm going to ask you to look at these pages and

11:50AM 6 I'm going to ask you questions.

11:50AM 7 A. Okay.

11:50AM 8 **THE COURT:** 46?

11:50AM 9 **MR. TRIPI:** 46 I'm going to hand up, identification

11:50AM 10 only, Your Honor.

11:50AM 11 **BY MR. TRIPI:**

11:50AM 12 Q. Take a moment, look through those pages. When you're

11:50AM 13 done, please look up.

11:51AM 14 Mr. Serio, did you review Government Exhibit 46?

11:51AM 15 A. Yes.

11:51AM 16 Q. Is Government Exhibit 46 a portion of the contacts that

11:51AM 17 were stored in the Apple iPhone depicted at the top of the

11:51AM 18 screen in Exhibit 43A-98, as well as the actual cell phone

11:52AM 19 extraction that I had showed you a moment ago, that CD which

11:52AM 20 is Government Exhibit 45?

11:52AM 21 A. Yes.

11:52AM 22 **THE COURT:** Hang on. I think the CD was 44, I

11:52AM 23 thought.

11:52AM 24 **MR. TRIPI:** I believe the phone itself is 44,

11:52AM 25 Your Honor.

11:52AM 1 **THE COURT:** Okay.

11:52AM 2 **MR. TRIPI:** The CD is 45.

11:52AM 3 **THE COURT:** Okay.

11:52AM 4 **MR. TRIPI:** And this extraction, this contact, is 46.

11:52AM 5 **THE COURT:** 46, okay.

11:52AM 6 **BY MR. TRIPI:**

11:52AM 7 Q. So Mr. Serio, with that, is the Exhibit 46, is this an

11:52AM 8 accurate portion of the contacts you had in your Apple

11:52AM 9 iPhone?

11:52AM 10 A. Yes.

11:52AM 11 **MR. TRIPI:** The government offers Exhibit 46,

11:52AM 12 Your Honor.

11:52AM 13 **MR. MacKAY:** Judge, just one voir dire question for

11:52AM 14 Mr. Serio.

11:52AM 15

11:52AM 16 **VOIR DIRE EXAMINATION BY MR. MacKAY:**

11:52AM 17 Q. Mr. Serio, you were shown Exhibit 46. That's not all the

11:52AM 18 contacts in your phone, correct?

11:52AM 19 A. Correct.

11:52AM 20 **MR. MacKAY:** With that, no objection, Your Honor, to

11:52AM 21 46 coming in.

11:52AM 22 **THE COURT:** It's received without objection.

11:52AM 23 **(GOV Exhibit 46 was received in evidence.)**

11:52AM 24 **MR. TRIPI:** Thank you, Your Honor.

11:54AM 25 Your Honor, I'm going to hand up the next exhibits in

1 tandem, Government Exhibit 48 and 49, and for the record the
2 agents just opened up in the courtroom Exhibit 48 so the
3 witness can see what's inside the envelope.

4
5 **DIRECT EXAMINATION BY MR. TRIPI:**

6 Q. Now, Mr. Serio, up before you is Government Exhibit 48;
7 do you recognize that?

8 A. Yes.

9 Q. Do you recognize Exhibit 48 to be that Samsung phone
10 depicted in Government Exhibit 43A-98?

11 A. Yes.

12 Q. And is it -- does it appear to be in the same or
13 substantially same condition today as when it was taken from
14 your vehicle, the day of your arrest?

15 A. Yes, it does.

16 Q. Now, if you could turn your attention to Government
17 Exhibit 49. Do you recognize that CD?

18 A. I do.

19 Q. Is that a CD, the contents of which you reviewed prior to
20 your testimony that include the content of what was on that
21 Samsung phone?

22 A. Yes.

23 Q. And is the content accurate from what your recollection
24 of what it was you had in your phone?

25 A. Yes.

11:55AM 1 **MR. TRIPI:** The government offers Exhibits 48 and 49,
11:55AM 2 Your Honor.

11:55AM 3 **MR. MacKAY:** No objection, Your Honor.

11:55AM 4 **THE COURT:** Received without objection.

11:55AM 5 **(GOV Exhibits 48 and 49 were received in evidence.)**

11:55AM 6 **BY MR. TRIPI:**

11:55AM 7 Q. Now as it relates to that Samsung phone, is that what you
11:55AM 8 call a burner phone?

11:55AM 9 A. Correct.

11:55AM 10 Q. Is there a limited amount of information on that phone?

11:55AM 11 A. Yes.

11:55AM 12 Q. Are there almost no actual names in the phone?

11:55AM 13 A. I believe there would be no actual names.

11:55AM 14 Q. Is it just basically call logs and coordination of drugs
11:55AM 15 in cryptic messaging?

11:55AM 16 A. Yes.

11:56AM 17 **MR. TRIPI:** I'd like to turn -- take this down,

11:56AM 18 Ms. Champoux. I'd like to turn to Exhibit 46 for a moment.

11:56AM 19 And can we zoom in to the contacts 1 through 12 just
11:56AM 20 to make it larger? I guess that's not going to work.

11:56AM 21 Let's go 1 through 5, please.

11:56AM 22 **BY MR. TRIPI:**

11:56AM 23 Q. In line 2 and 3 there, do you have contact information
11:57AM 24 for Anthony Gerace?

11:57AM 25 A. Correct.

11:57AM 1 Q. Is that the Anthony Gerace you've been talking about?

11:57AM 2 A. Yes.

11:57AM 3 Q. And now, here, we're going through your personal phone,
11:57AM 4 the contacts, right --

11:57AM 5 A. Yes.

11:57AM 6 Q. -- in that iPhone?

11:57AM 7 And number 4, that's Anthony Mayo. Is that someone you
11:57AM 8 testified about getting drugs from you?

11:57AM 9 A. Correct.

11:57AM 10 Q. Who is the entry number 5?

11:57AM 11 A. I believe Ashley Schuh.

11:57AM 12 Q. Okay. Is that the defendant's wife's sister?

11:57AM 13 A. Yes.

11:57AM 14 **MR. TRIPI:** Let's X out of that, and go 6 through 10.

11:57AM 15 All right.

11:57AM 16 **BY MR. TRIPI:**

11:57AM 17 Q. 6 is Ash S. Ashley Schuh again?

11:57AM 18 A. It could be. Because it's also my wife's contacts. For
11:58AM 19 some reason, our contacts were on the same phone, so I'm not
11:58AM 20 sure.

11:58AM 21 Q. But is that entry for Ash S, do you believe to be Ashley
11:58AM 22 Schuh?

11:58AM 23 A. I believe so.

11:58AM 24 Q. 7, who's that?

11:58AM 25 A. My friend, Chris Baker.

11:58AM 1 Q. And he's someone you talked about already?

11:58AM 2 A. Yes.

11:58AM 3 Q. And he's someone who would get drugs?

11:58AM 4 A. Yes.

11:58AM 5 Q. Number 9, that's -- who's that?

11:58AM 6 A. R.K.

11:58AM 7 Q. Is that the person you informed was a confidential

11:58AM 8 informant?

11:58AM 9 A. Correct.

11:58AM 10 Q. The associate of Frank Burkhart?

11:58AM 11 A. Yes.

11:58AM 12 Q. Number 10, who's that entry for, Butch?

11:58AM 13 A. I believe Butch Bifocal.

11:58AM 14 Q. He's someone you talked about already?

11:58AM 15 A. Yes.

11:58AM 16 Q. He was Italian Organized Crime figure you who sat down

11:58AM 17 with as arranged by Mike Masecchia?

11:58AM 18 A. Yes.

11:58AM 19 **MR. TRIPI:** Let's X out of that. Let's go to 11 and

11:58AM 20 12.

11:58AM 21 **BY MR. TRIPI:**

11:58AM 22 Q. Who is the person in your phone as Buttita?

11:58AM 23 A. Mike Buttita.

11:58AM 24 Q. He's someone you talked about in your testimony

11:58AM 25 yesterday?

11:58AM 1 A. Yes.

11:59AM 2 **MR. TRIPI:** Let's go to 13 through 17.

11:59AM 3 **BY MR. TRIPI:**

11:59AM 4 Q. And 13, 14, is one number for Frank Burkhart; is that
11:59AM 5 right?

11:59AM 6 A. Correct.

11:59AM 7 Q. Entry 15 is a separate number for Frank Burkhart?

11:59AM 8 A. Yes.

11:59AM 9 Q. So you had two different numbers in this phone for him?

11:59AM 10 A. I might have had a different number and I just didn't
11:59AM 11 erase it, I'm not sure.

11:59AM 12 Q. Is he someone who had different phone numbers over time?

11:59AM 13 A. Yes.

11:59AM 14 Q. And number 16 and 17 is Frank Parisi?

11:59AM 15 A. Yes.

11:59AM 16 Q. And who is that again?

11:59AM 17 A. Someone that I dealt with in debt collections.

11:59AM 18 **MR. TRIPI:** Okay. Let's go to 18 through 21. 18,
11:59AM 19 19, and 20.

11:59AM 20 **BY MR. TRIPI:**

11:59AM 21 Q. 18 and 19 look to be the same phone number; is that
12:00PM 22 right?

12:00PM 23 A. Yes.

12:00PM 24 Q. And who is Frank Tripi?

12:00PM 25 A. Frank Tripi is someone I dealt with in collections, and

12:00PM 1 also talked about marijuana with.

12:00PM 2 Q. And he someone who is also associated with Anthony

12:00PM 3 Gerace?

12:00PM 4 A. That, I'm not sure.

12:00PM 5 Q. How about Mike Masecchia?

12:00PM 6 A. Yes.

12:00PM 7 Q. Is entry number 20 just a different phone number for

12:00PM 8 Frank Tripi?

12:00PM 9 A. It must be.

12:00PM 10 Q. Okay. 21, who's Hot Dog?

12:00PM 11 A. Hot Dog is Paul Francoforte.

12:00PM 12 Q. Is that the person you talked about yesterday traveling

12:00PM 13 to the Poconos with and gambling?

12:00PM 14 A. Yeah, just gambling.

12:00PM 15 **MR. TRIPI:** Let's go 23 through 26.

12:00PM 16 **BY MR. TRIPI:**

12:00PM 17 Q. Are those various numbers you had for Jacob Martinez at

12:00PM 18 various points?

12:00PM 19 A. Yes.

12:00PM 20 Q. Some of those numbers look like duplicate entries?

12:01PM 21 A. Yes.

12:01PM 22 Q. That's someone who you talked about yesterday who you

12:01PM 23 would distribute marijuana to and he would sell you cocaine?

12:01PM 24 A. Yes.

12:01PM 25 Q. The cocaine we saw a moment ago from 91 Grimsby, who did

12:01PM 1 that come from?

12:01PM 2 A. That was from Jimmy Rivera.

12:01PM 3 Q. Okay. Jimmy Rivera was another person who you sold

12:01PM 4 marijuana to and he sold you cocaine?

12:01PM 5 A. Correct.

12:01PM 6 **MR. TRIPI:** Let's go to entry 27.

12:01PM 7 **BY MR. TRIPI:**

12:01PM 8 Q. Who's that entry in your call log?

12:01PM 9 A. That's Jarrett Guy, the guy from Vancouver that I got

12:01PM 10 marijuana from.

12:01PM 11 Q. Now you have a phone number for him, is that a phone that

12:01PM 12 was stable for him?

12:01PM 13 A. Yeah, that was his personal phone number.

12:01PM 14 Q. Would you talk drug business over the personal phones?

12:01PM 15 A. No.

12:01PM 16 Q. How would you use the personal phone to --

12:01PM 17 A. That was just in case if -- say I lost the burner phone,

12:01PM 18 a way to get ahold of him.

12:01PM 19 **MR. TRIPI:** Let's go to 28 through 34.

12:01PM 20 **BY MR. TRIPI:**

12:02PM 21 Q. 28 through 30, looks like two different numbers for Jimmy

12:02PM 22 Rivera?

12:02PM 23 A. Yes.

12:02PM 24 Q. And you spelled the last name different ways, but is it

12:02PM 25 the same person?

12:02PM 1 A. Same person.

12:02PM 2 Q. And you just talked about him a moment ago as someone who

12:02PM 3 provided you cocaine, and you also sold marijuana to?

12:02PM 4 A. Correct.

12:02PM 5 Q. 31 through 34 are various entries for John Robinson.

12:02PM 6 Looks like a phone number and an email address?

12:02PM 7 A. Yes.

12:02PM 8 Q. And that's someone who you distributed marijuana with?

12:02PM 9 A. Yep. Yes.

12:02PM 10 Q. And who traveled with you to New York?

12:02PM 11 A. Correct.

12:02PM 12 Q. Also worked at your collection agency?

12:02PM 13 A. Correct.

12:02PM 14 **MR. TRIPI:** Let's go 35 to 39, please, or 40.

12:03PM 15 **BY MR. TRIPI:**

12:03PM 16 Q. 35 and 36, those appear to be duplicate phone number

12:03PM 17 entries for John Suppa?

12:03PM 18 A. Yes.

12:03PM 19 Q. And we've talked about him yesterday?

12:03PM 20 A. Yes.

12:03PM 21 Q. And 37 through 40 are various entries for Kelly Brace?

12:03PM 22 A. Correct.

12:03PM 23 Q. And that's the person you were delivering marijuana to

12:03PM 24 when you got arrested?

12:03PM 25 A. Yes.

12:03PM 1 **MR. TRIPI:** Let's go to 41 and 42, please.

12:03PM 2 **BY MR. TRIPI:**

12:03PM 3 Q. Looks like an email and a phone number for Krista

12:03PM 4 Masecchia?

12:03PM 5 A. Yes.

12:03PM 6 Q. Who is that?

12:03PM 7 A. Mike Masecchia's wife.

12:03PM 8 **MR. TRIPI:** Okay. Let's go 43 through 48, please.

12:03PM 9 **BY MR. TRIPI:**

12:03PM 10 Q. So is 43 another entry for Mike Masecchia's wife?

12:04PM 11 A. Yes.

12:04PM 12 Q. And then is 44 through 47 various entries for your wife,

12:04PM 13 Lauren Serio?

12:04PM 14 A. Yes.

12:04PM 15 Q. Her maiden name was Lauren Fina?

12:04PM 16 A. Correct.

12:04PM 17 Q. Who's entry 48 there?

12:04PM 18 A. That's Mark Falzone's girlfriend, Leah Rossi.

12:04PM 19 Q. You have a phone number for her?

12:04PM 20 A. Yes.

12:04PM 21 **MR. TRIPI:** Let's go 49 through 54 if we could.

12:04PM 22 **BY MR. TRIPI:**

12:04PM 23 Q. 49, again, is Mark Falzone's girlfriend?

12:04PM 24 A. Correct.

12:04PM 25 Q. Who is entry 50?

12:04PM 1 A. Lou Selva.

12:04PM 2 Q. That's the Lou Selva you've been discussing who was

12:04PM 3 Bongiovanni's best friend?

12:04PM 4 A. Correct.

12:04PM 5 Q. Who's number -- who's entry 51 and 52 and 53 and 54?

12:04PM 6 A. Mario Vacanti.

12:04PM 7 Q. And it looks like you had two different numbers for Mario

12:04PM 8 Vacanti?

12:04PM 9 A. Correct.

12:04PM 10 Q. And one is then is Mario new, and one of them says Mario

12:05PM 11 Vacanti. Why does one say Mario new with a bunch of Ws?

12:05PM 12 A. Because that was a new number, instead of erasing it I

12:05PM 13 just put "new."

12:05PM 14 Q. Is he someone who changed numbers frequently over time?

12:05PM 15 A. Yes.

12:05PM 16 **MR. TRIPI:** Let's go 55 through 57.

12:05PM 17 **BY MR. TRIPI:**

12:05PM 18 Q. Entry 56 and 57, are those phone number entries for Mark

12:05PM 19 Falzone?

12:05PM 20 A. Yes.

12:05PM 21 Q. Who's the entry at 57?

12:05PM 22 A. Mark Grisanti.

12:05PM 23 Q. Who's that?

12:05PM 24 A. That was my friend Santo Campanella's lawyer. Because

12:05PM 25 Santo loaned me money, and I was supposed to put a lien on

1 one of my properties, and I was supposed to be in contact
2 with him.

3 Q. Is that person a judge now, do you know?

4 A. Yeah, I believe so.

5 **MR. TRIPI:** Let's go 58 through 62.

6 **BY MR. TRIPI:**

7 Q. So, 58 and 59, is that the Mark Keegan that you've
8 testified was one of your suppliers?

9 A. Yes.

10 Q. And you have a phone number for him?

11 A. Correct.

12 Q. Who's entry number 60?

13 A. Marty Mazzara.

14 Q. Who's that?

15 A. That was a friend of Vegas. Mike's wife's cousin.

16 Q. Mike Masecchia's wife's cousin?

17 A. Yes.

18 Q. And is that 702 number a Las Vegas based number?

19 A. Correct.

20 Q. Who's entry number 61 and 62?

21 A. Matt Maglietto.

22 Q. And is that -- the last name is spelled differently, but
23 is that the same person each time?

24 A. Yes.

25 Q. And he's someone that worked for you?

12:06PM

1 A. Yes.

12:06PM

2 Q. He's deceased now?

12:06PM

3 A. Yes.

12:06PM

4 Q. And he had a son with the defendant's wife?

12:06PM

5 A. Correct.

12:06PM

6 **MR. TRIPI:** Let's go 63 through 66.

12:07PM

7 **BY MR. TRIPI:**

12:07PM

8 Q. 63, another entry for Matt Maglietto?

12:07PM

9 A. Correct.

12:07PM

10 Q. And then 64 through 66 are -- looks like the same number
11 three times for Matt Suppa?

12:07PM

12 A. Yes.

12:07PM

13 Q. And you talked about him already yesterday?

12:07PM

14 A. Yes.

12:07PM

15 **MR. TRIPI:** Let's go 67 through 70, please.

12:07PM

16 **BY MR. TRIPI:**

12:07PM

17 Q. 67 and 68 are more entries for Mike Buttita?

12:07PM

18 A. Correct.

12:07PM

19 Q. And then 69 and 70, who's Mike Mechica?

12:07PM

20 A. Masecchia.

12:07PM

21 Q. So that's the Mike Masecchia you've been talking about
22 yesterday and today?

12:07PM

23 A. Yes.

12:07PM

24 Q. Is that a personal number or a burner phone number?

12:07PM

25 A. Personal number.

12:07PM 1 Q. You wouldn't keep a burner phone in this phone?

12:07PM 2 A. No.

12:07PM 3 **MR. TRIPI:** Let's go to entry 71 and 72.

12:07PM 4 **BY MR. TRIPI:**

12:08PM 5 Q. Is that a phone number for Mike Moynihan?

12:08PM 6 A. Correct.

12:08PM 7 Q. Is that your long-time friend who would help unload
12:08PM 8 marijuana as well as trip with you to New York City?

12:08PM 9 A. Yes.

12:08PM 10 **MR. TRIPI:** Let's go 73 to 76.

12:08PM 11 **BY MR. TRIPI:**

12:08PM 12 Q. Who is the entry in 73 and 74?

12:08PM 13 A. Rob Rhine.

12:08PM 14 Q. What was your with relationship him?

12:08PM 15 A. He was a friend of mine.

12:08PM 16 Q. Did you sell him drugs?

12:08PM 17 A. We did drugs together.

12:08PM 18 Q. Okay. Who's the entry in 75 and 76?

12:08PM 19 A. Sal Volpe.

12:08PM 20 Q. Who is that?

12:08PM 21 A. We grew marijuana together with Mike Masecchia.

12:08PM 22 Q. Is Sal Volpe also friends with Masecchia?

12:08PM 23 A. Yes.

12:08PM 24 Q. Is he friends with Lou Selva, if you know?

12:08PM 25 A. Yes.

12:08PM 1 Q. Do you know what, if any, relationship Sal Volpe has to
12:09PM 2 Joseph Bongiovanni?

12:09PM 3 A. I believe they were friends.

12:09PM 4 Q. What do you base that on?

12:09PM 5 A. Sam mentioned him before.

12:09PM 6 **MR. TRIPI:** Okay. Let's go to 77 to 80.

12:09PM 7 **BY MR. TRIPI:**

12:09PM 8 Q. In 77 and 78, you have an entry Skip Giambrone. Who's
12:09PM 9 that?

12:09PM 10 A. Someone I dealt with, marijuana with.

12:09PM 11 Q. Do you know that person's first name?

12:09PM 12 A. I forgot.

12:09PM 13 Q. Is Skip a nickname?

12:09PM 14 A. Yes, it is.

12:09PM 15 Q. And you have that person's phone number?

12:09PM 16 A. Correct.

12:09PM 17 Q. And then you have 79 and 80, entries for Suppa. Which
12:09PM 18 Suppa is that?

12:09PM 19 A. That, I couldn't tell you.

12:09PM 20 Q. One of the Suppa brothers?

12:09PM 21 A. Yeah.

12:09PM 22 Q. Are there three of them?

12:09PM 23 A. Yes.

12:09PM 24 Q. So the options are Mark, Matt, or John?

12:09PM 25 A. I never really talked to Mark, so it's got to be John or

12:09PM 1 Matt.

12:09PM 2 **MR. TRIPI:** Okay. And let's go 81 and 82.

12:09PM 3 **BY MR. TRIPI:**

12:10PM 4 Q. Are those phone numbers and emails for your brother, Tom,
12:10PM 5 who the jury's heard you talk about?

12:10PM 6 A. Yes.

12:10PM 7 Q. Mr. Serio, I'm going to hand you up --

12:10PM 8 **MR. TRIPI:** We can take that exhibit down,
12:10PM 9 Ms. Champoux.

12:10PM 10 **BY MR. TRIPI:**

12:10PM 11 Q. I'm going to hand you up Government Exhibit 100E-1.

12:11PM 12 Mr. Serio, have you seen that Government Exhibit, that
12:11PM 13 100E-1 before?

12:11PM 14 A. I don't believe so.

12:11PM 15 Q. Do you understand the names of the people on the list?

12:11PM 16 A. I do.

12:11PM 17 Q. Do you know all of the people on the list?

12:11PM 18 A. Yes, I do.

12:11PM 19 Q. Are all of the people on that list people that have dealt
12:11PM 20 with you or been part of your drug operation at one time or
12:11PM 21 another?

12:11PM 22 A. Yes.

12:11PM 23 Q. Yes?

12:11PM 24 A. Yes, sir.

12:11PM 25 Q. And the phone numbers on that list, are those phone

12:11PM 1 numbers that, at one point or another, were with people
12:11PM 2 dealing with you?

12:11PM 3 A. I don't know, because I don't remember phone numbers.

12:11PM 4 But the last guy, I don't know who that is.

12:11PM 5 Q. And who don't you know?

12:11PM 6 A. Charles Butera.

12:11PM 7 Q. Everybody else on the list you know?

12:11PM 8 A. Yes.

12:11PM 9 Q. So Mr. Serio, did you work closely with Mike Masecchia
12:12PM 10 from that meeting at the O Restaurant in 2007 all the way
12:12PM 11 through your arrest April 18th, 2017?

12:12PM 12 A. Yes.

12:12PM 13 Q. And at certain points, were you partners?

12:12PM 14 A. Yes.

12:12PM 15 Q. How was your relationship?

12:12PM 16 A. How was our relationship?

12:12PM 17 Q. How was your relationship during that time?

12:13PM 18 A. It was good.

12:13PM 19 Q. And during large portion of that time, beginning shortly
12:13PM 20 after that in '07, were you also working with Lou Selva?

12:13PM 21 A. What do you mean by that?

12:13PM 22 Q. Well, through Masecchia --

12:13PM 23 A. Yes.

12:13PM 24 Q. -- was Selva part of --

12:13PM 25 A. Yes.

1 Q. -- how you were communicating with Bongiovanni?

2 A. Correct.

3 Q. Did you work with him uninterrupted for about a decade?

4 A. Yes.

5 Q. What's your understanding and belief as to why you were
6 able to operate uninterrupted until April 18th, 2017?

7 A. Because --

8 **MR. MacKAY:** Objection. Speculation.

9 **MR. TRIPI:** It's his own personal understanding.

10 **THE COURT:** Overruled.

11 **THE WITNESS:** Because of the protection from Joe
12 Bongiovanni.

13 **MR. TRIPI:** Just one moment, please, Your Honor.

14 No further direct now, Your Honor, thank you.

15 **THE COURT:** We're going to take our lunch hour now.

16 Please remember my instructions about not discussing
17 any aspect of this case with anyone. Don't do research on
18 your own. Don't use tools of technology to research the case
19 or to communicate about the case.

20 Don't read, or watch, or listen to any news coverage
21 of the case, if there is any, while we're still on trial. And
22 please don't make up your mind until all the evidence has been
23 presented and you begin your deliberations.

24 Let's come back at 1:30. We'll continue then.

25 Thanks very much.

12:15PM 1 (Jury excused at 12:15 p.m.)

12:15PM 2 **THE COURT:** Anything we need to put on the record
12:15PM 3 before we break from the government?

12:15PM 4 **MR. TRIPI:** No, Your Honor.

12:15PM 5 **THE COURT:** Anything from the defense?

12:15PM 6 **MR. MacKAY:** I think we can deal with it later,
12:15PM 7 Judge. I saw a couple 43A exhibits probably need to be
12:15PM 8 redacted because they include some personal information, but
12:15PM 9 we can probably do that at the end of the day.

12:15PM 10 **MR. TRIPI:** Yeah, I agree. There was a Social
12:15PM 11 Security Number or something like that.

12:15PM 12 **THE COURT:** Okay. That's fine. Great.

12:15PM 13 Thanks, everybody.

12:15PM 14 **MR. TRIPI:** Thank you, Your Honor.

12:15PM 15 **THE CLERK:** All rise.

12:15PM 16 (Off the record at 12:15 p.m.)

01:35PM 17 (Back on the record at 1:35 p.m.)

01:35PM 18 (Jury not present.)

01:35PM 19 **THE CLERK:** All rise.

01:35PM 20 **THE COURT:** Please be seated.

01:35PM 21 **THE CLERK:** We are back on the record for the
01:35PM 22 continuation of the jury trial in case number 19-cr-227,
01:35PM 23 United States of America versus Joseph Bongiovanni.

01:35PM 24 All counsel and parties are present.

01:35PM 25 **THE COURT:** Okay. It looks like we're going to lose

01:35PM 1 a juror. Juror number 9 has been hurting, I don't know if
01:35PM 2 you've noticed, she's been limping in and out. Colleen just
01:35PM 3 told me she just went down -- she's on the second floor now,
01:35PM 4 and she can barely move. Colleen said she's virtually in
01:35PM 5 tears because she's hurting so badly and has asked to be
01:35PM 6 excused. I made the executive decision to let her stay on the
01:35PM 7 second floor, but not to discharge her until I talk with you
01:35PM 8 folks. But it seems like a forgone conclusion to me.

01:35PM 9 **MR. TRIPI:** Did something -- did she fall?

01:35PM 10 **THE COURT:** I don't know, if you've seen but she's
01:35PM 11 been limping.

01:35PM 12 **THE CLERK:** I think she has a medical issue.

01:35PM 13 **OFFICER CORONA:** A back issue like sciatica.

01:36PM 14 **THE COURT:** A back issue with sciatica. And I
01:36PM 15 suffered from that 30 something years ago, I actually had
01:36PM 16 surgery for my back, so I know how intense that pain can be
01:36PM 17 especially when you're sitting.

01:36PM 18 **MR. TRIPI:** Yeah.

01:36PM 19 **THE COURT:** It's unbearable. So any objection to
01:36PM 20 excusing her?

01:36PM 21 **MR. MacKAY:** No, Your Honor.

01:36PM 22 **MR. TRIPI:** No, Your Honor.

01:36PM 23 **THE COURT:** Any reason that we should bring her up
01:36PM 24 here? Just let her go from the second floor, right?

01:36PM 25 **MR. TRIPI:** I defer to the defense on that.

01:36PM 1 **MR. MacKAY:** No, I don't think we need to -- I assume
01:36PM 2 she'll be released with some sort of instruction not to talk
01:36PM 3 about the case or something.

01:36PM 4 **THE COURT:** Pardon me?

01:36PM 5 **THE CLERK:** I can run down.

01:36PM 6 **THE COURT:** Do you want me to go down and talk to
01:36PM 7 her?

01:36PM 8 **MR. MacKAY:** We'll defer to the Court. I don't know
01:36PM 9 if that's necessary.

01:36PM 10 **THE COURT:** Yeah, why don't I let --

01:36PM 11 Rebecca, why don't you go down and just make sure she
01:36PM 12 understands that she's not to talk to anybody still, certainly
01:36PM 13 not to talk to any of the jurors, not to talk to anybody about
01:36PM 14 the case until the case has finally been decided. She's not
01:37PM 15 to give her view of what should happen or anything like that.
01:37PM 16 So please tell her that. Okay?

01:37PM 17 Is everybody satisfied? I want to make sure
01:37PM 18 everybody's satisfied with that.

01:37PM 19 **MR. MacKAY:** Yes, Your Honor.

01:37PM 20 **MR. TRIPI:** Yes, Your Honor.

01:37PM 21 **THE COURT:** I think that's safe enough. And under
01:37PM 22 the circumstances, rather than delay everybody now or have her
01:37PM 23 suffer the pain that she would have to have to come up here, I
01:37PM 24 think that's a reasonable compromise. And I'm glad the
01:37PM 25 lawyers agree with that as well. So thank you.

01:37PM

1

MR. TRIPI: We agree.

01:37PM

2

MR. COOPER: And, Judge, you're going to move

01:37PM

3

alternate 1 into seat number 9, is that how it works?

01:37PM

4

THE COURT: I would just move everyone down one.

01:37PM

5

MR. COOPER: Move everybody down one?

01:37PM

6

THE COURT: Yeah. We'll move 10 into 9's seat, and

01:37PM

7

then move everybody down.

01:37PM

8

MR. COOPER: Understood.

01:37PM

9

THE COURT: Okay? Make sense? In fact, we won't

01:37PM

10

even move everybody down, we'll just move that chair out of

01:37PM

11

the way since 10 has sort of been out of the -- really the

01:37PM

12

only one out of the jury box, okay?

01:37PM

13

MR. TRIPI: Okay.

01:37PM

14

THE COURT: Make sense? Okay. Let's do it.

01:37PM

15

Let's bring them in.

01:37PM

16

Anything that we need to put on the record from your

01:37PM

17

perspectives?

01:37PM

18

MR. TRIPI: No, Your Honor.

01:38PM

19

MR. MacKAY: No, Your Honor.

01:38PM

20

THE COURT: Okay, let's bring them back, please, Pat.

01:40PM

21

(Jury seated at 1:40 p.m.)

01:40PM

22

THE COURT: Welcome back, everyone all our jurors

01:40PM

23

except number 9 are present.

01:40PM

24

Juror number 9, as you folks know, has a back problem

01:40PM

25

that caused her pretty bad pain, and I guess the pain got so

1 bad that she could no longer continue. We've excused her.

2 I just want to impress on you folks it's important
3 not to talk to her at all about anything. No one talk until
4 after the case is over. Once the case is over, you folks can
5 call her, talk to her about it, about the jury service and the
6 case. But until the case is over, do not talk to her.

7 We're asking her not to call any of you. But if she
8 does, just please politely say you can't talk about it.
9 Because I'm not giving her that instruction myself, someone
10 else is. But I'm giving the instruction to you folks, and I
11 know you folks pay attention to what I tell you.

12 So, please, if she calls you, do not talk to her at
13 all. Okay? Tell her, you know, we'll talk to you after the
14 trial is over, and then we'll talk about anything you want.
15 Okay? Great.

16 All our jurors are present now.

17 And I remind the witness that he's still under oath.

18 And cross-examination can begin.

19 **MR. MacKAY:** Thank you, Your Honor.

20
21 **CROSS-EXAMINATION BY MR. MacKAY:**

22 Q. Good afternoon, Mr. Serio. How are you?

23 A. Good, how are you?

24 Q. Well. You are looking well yourself.

25 It's now been almost seven years ago next month that you

01:42PM 1 were arrested, correct?

01:42PM 2 A. Correct.

01:42PM 3 Q. And by your own description, at that time you were near
01:42PM 4 death; fair to say?

01:42PM 5 A. Correct.

01:42PM 6 Q. Now, you described yourself using the term "high
01:42PM 7 functioning," correct?

01:42PM 8 A. Correct.

01:42PM 9 Q. But at the time you were arrested and the time leading up
01:42PM 10 to that, we're going to go through some of the drugs you were
01:42PM 11 using. You were using as much as, was it 2 to 3 grams of
01:42PM 12 heroin per day?

01:42PM 13 A. Correct.

01:42PM 14 Q. You -- how many oxycodone pills a day were you using?

01:43PM 15 A. If I wasn't using heroin, I'd be using 40 of those a day.

01:43PM 16 Q. And you said if you're not using heroin, it's 40 Oxys?

01:43PM 17 A. Yes.

01:43PM 18 Q. Okay. And I think you told us, in total, you got as many
01:43PM 19 as 16,000 pills from Jarrett Guy, and you used three quarters
01:43PM 20 of those?

01:43PM 21 A. Correct.

01:43PM 22 Q. Okay. And then you were doing cocaine on top of that at
01:43PM 23 times to level yourself out, correct?

01:43PM 24 A. Correct.

01:43PM 25 Q. And Adderall, as well, on a daily basis?

01:43PM 1 A. Correct.

01:43PM 2 Q. Did you drink alcohol as well during that time?

01:43PM 3 A. I never drank alcohol.

01:43PM 4 Q. Okay. And to give the jury an idea of what some of these
01:43PM 5 drugs are like, I think we've heard some adjectives, but I'm
01:43PM 6 gonna put it in perspective.

01:43PM 7 But understanding is that Oxys, oxycodone is about one
01:43PM 8 and a half times the strength of morphine; is that something
01:43PM 9 you understand?

01:43PM 10 A. I'm not sure of the dynamic of it, but it's strong.

01:44PM 11 Q. It's strong?

01:44PM 12 A. Yes.

01:44PM 13 Q. And then fentanyl, do you know to be much, much stronger
01:44PM 14 than Oxys?

01:44PM 15 A. Yes.

01:44PM 16 Q. Okay. So, you know, my understanding it's approximately
01:44PM 17 100 times more than morphine. Does that sound like a rough
01:44PM 18 estimate of how much more powerful it is just than Oxys?

01:44PM 19 A. Probably.

01:44PM 20 Q. Okay. Now let's talk about heroin.

01:44PM 21 I've been told an example of what it's like to be on
01:44PM 22 heroin, and I want to give you the example and see if can you
01:44PM 23 tell me if it's the same comparative example.

01:44PM 24 Have you ever had your teeth out and been put under for
01:44PM 25 anesthesia?

01:44PM 1 A. No.

01:44PM 2 Q. Have you ever been put under for anesthesia at any point

01:44PM 3 in time?

01:44PM 4 A. No.

01:44PM 5 Q. Okay. Then the example is not gonna work, I guess.

01:44PM 6 But the drugs, when you're on them, they dull your

01:44PM 7 senses, correct?

01:44PM 8 A. That's correct.

01:44PM 9 Q. You don't think clearly at all, correct?

01:44PM 10 A. Correct.

01:44PM 11 Q. But at times, you said you would use cocaine to sort of

01:44PM 12 pull yourself back out of that?

01:44PM 13 A. Correct.

01:44PM 14 Q. But certainly by the time you were arrested, you were

01:45PM 15 heavily addicted, correct?

01:45PM 16 A. Correct.

01:45PM 17 Q. You needed these kind of drugs to get through the day

01:45PM 18 from waking hour until you fell asleep, correct?

01:45PM 19 A. Correct.

01:45PM 20 Q. All right. Let's talk about Mike Masecchia.

01:45PM 21 A. Yes.

01:45PM 22 Q. Now, he's somebody you knew from when you were young

01:45PM 23 around approximately age 18, correct?

01:45PM 24 A. Correct.

01:45PM 25 Q. And this, just so we're getting all the dates right, this

01:45PM 1 is like late '90s, early 2000s?

01:45PM 2 A. Yes.

01:45PM 3 Q. You bought marijuana from him at that point in time,

01:45PM 4 correct?

01:45PM 5 A. It -- not directly at that point.

01:45PM 6 Q. Okay. Marijuana was coming through somebody else to you

01:45PM 7 at that point in time?

01:45PM 8 A. Correct.

01:45PM 9 Q. And this -- and at that point in time, we're talking

01:45PM 10 fairly small, like in eighths and quarters --

01:45PM 11 A. It was --

01:45PM 12 Q. -- and stuff --

01:45PM 13 A. -- quarter --

01:45PM 14 Q. -- like that --

01:45PM 15 A. -- yeah.

01:45PM 16 **THE COURT:** One at a time, please.

01:46PM 17 **BY MR. MacKAY:**

01:46PM 18 Q. What was the quantity you were getting at that time?

01:46PM 19 A. Like quarter pounds, half pounds. Occasionally a pound.

01:46PM 20 Q. Okay. And then you were splitting it -- a pound is

01:46PM 21 16 ounces, correct?

01:46PM 22 A. Correct.

01:46PM 23 Q. And you're splitting it up into much smaller amounts at

01:46PM 24 that time to sell, correct?

01:46PM 25 A. Correct.

01:46PM 1 Q. Okay. At that point in time, you knew that he was
01:46PM 2 growing marijuana out in Franklinville with Joe Tomasello,
01:46PM 3 correct?
01:46PM 4 A. Correct.
01:46PM 5 Q. Now, fast forward, I think if I've got the timeline
01:46PM 6 correct, about fall 2007, you hook up again with Mike
01:46PM 7 Masecchia, correct?
01:46PM 8 A. Correct.
01:46PM 9 Q. That's this meeting at O Restaurant on Sheridan you
01:46PM 10 talked about, correct?
01:46PM 11 A. Correct.
01:46PM 12 Q. Now the relationship is going to become a little bit
01:46PM 13 different, more of a -- potential partners at this time,
01:46PM 14 correct?
01:46PM 15 A. Correct.
01:46PM 16 Q. And at that time, though, he's still supplying you to
01:46PM 17 some degree, correct?
01:46PM 18 A. Correct.
01:46PM 19 Q. Still has this grow operation out in the Southern Tier
01:46PM 20 somewhere, correct?
01:47PM 21 A. Correct.
01:47PM 22 Q. But he's also getting marijuana from other places,
01:47PM 23 correct? Do you know of?
01:47PM 24 A. I'm not sure of.
01:47PM 25 Q. Did you know him to attempt to arrange a purchase through

01:47PM

1 Remus Nowak?

01:47PM

2 A. At this time, no.

01:47PM

3 Q. Did you know at a later time?

01:47PM

4 A. Yeah, later on he did.

01:47PM

5 Q. I -- I might be getting the dates wrong, we'll circle

01:47PM

6 back to that.

01:47PM

7 A. All right.

01:47PM

8 Q. Let's talk about who Mike Masecchia is. Do you know him

01:47PM

9 to be an intimidating guy?

01:47PM

10 A. He is.

01:47PM

11 Q. How -- why would you say that?

01:47PM

12 A. Just from hearing things on the streets, he got in a lot

01:47PM

13 of fights, and people feared him.

01:47PM

14 Q. Okay. Was he a physically intimidating guy?

01:47PM

15 A. Yeah, physically he was intimidating.

01:47PM

16 Q. How so?

01:47PM

17 A. He's just big, and he has an intimidating look.

01:47PM

18 Q. Known to do steroids?

01:47PM

19 A. Yes.

01:47PM

20 Q. Known to have issues with anger?

01:47PM

21 A. Yes.

01:47PM

22 Q. I mean, he can kind of fly off the handle at any moment;

01:47PM

23 fair to say?

01:47PM

24 A. Yes.

01:47PM

25 Q. I think you've described it, you had him in like a phone

01:48PM 1 or somewhere and had a nickname for him of Gorilla, remember
01:48PM 2 that?
01:48PM 3 A. Yes.
01:48PM 4 Q. And you knew you that because you had learned something
01:48PM 5 about him doing robberies in the past wearing a Gorilla mask?
01:48PM 6 A. Yes.
01:48PM 7 Q. Did you ever see him carry a firearm?
01:48PM 8 A. No.
01:48PM 9 Q. And I think you've told us he had some reputation of
01:48PM 10 being connected to Italian Organized Crime, correct?
01:48PM 11 A. Correct.
01:48PM 12 Q. In fact, your understanding, he actually introduced you
01:48PM 13 to some other individual, Frank Bifulco, that you knew
01:48PM 14 through Masecchia to have IOC connections, correct?
01:48PM 15 A. Correct.
01:48PM 16 Q. All right. So you knew him to at least have some
01:48PM 17 familial connection to somebody associated with Italian
01:48PM 18 Organized Crime, correct?
01:48PM 19 A. Correct.
01:48PM 20 Q. Okay. Long story short, you believed him -- he's a guy
01:48PM 21 you don't mess with; fair to say?
01:48PM 22 A. Yes.
01:48PM 23 Q. And he's, what, about a decade or so older than you?
01:48PM 24 A. I believe so.
01:48PM 25 Q. Do you also know him to be involved in high interest

01:49PM 1 street loans?

01:49PM 2 A. That? No.

01:49PM 3 Q. Okay. Do you recall telling the government that, that

01:49PM 4 you did -- scratch that.

01:49PM 5 Now, aside from your business with marijuana, you had

01:49PM 6 done a rent-to-own plan with him for your house you left to

01:49PM 7 move into Lebrun, correct?

01:49PM 8 A. Correct.

01:49PM 9 Q. He actually didn't pay on that for several years,

01:49PM 10 correct?

01:49PM 11 A. Yes, at the end, he did not pay.

01:49PM 12 Q. Okay. And you actually had to have him evicted, correct?

01:49PM 13 A. Correct.

01:49PM 14 Q. And I think you ended your direct examination, Mr. Tripi

01:49PM 15 asked you about, you know, what was your relationship with

01:49PM 16 Mike Masecchia; do you remember that question?

01:49PM 17 A. Yes.

01:49PM 18 Q. So I'm going to ask you: What is your relationship like

01:49PM 19 with Mike Masecchia now?

01:49PM 20 A. Not good.

01:49PM 21 Q. Why is that?

01:49PM 22 A. Because I am cooperating against him.

01:50PM 23 Q. All right. And why do you think that makes the

01:50PM 24 relationship not good?

01:50PM 25 A. Because anybody would not like that.

01:50PM 1 Q. Okay. Now I want to talk a little bit about the
01:50PM 2 time frame --

01:50PM 3 A. Okay.

01:50PM 4 Q. -- of your marijuana supply.

01:50PM 5 So I think you told us in about 2008 to 2010, you have
01:50PM 6 some grow attempts at the 608 Michigan, 82 Sycamore property?

01:50PM 7 A. Between 2005, 2010.

01:50PM 8 Q. 2005 to 2010. But that's done by 2010, correct?

01:50PM 9 A. Correct.

01:50PM 10 Q. And we keep using the warehouse addresses
01:50PM 11 interchangeably, but they're two different addresses on that
01:50PM 12 same property, correct?

01:50PM 13 A. Correct.

01:50PM 14 Q. If there were grows, would they only ever happen in one
01:50PM 15 of the locations, or --

01:50PM 16 A. Yes, 608 Michigan.

01:50PM 17 Q. So 608 Michigan is where you're doing the grows, and
01:50PM 18 that's up to 2010 with your brother?

01:50PM 19 A. Correct.

01:50PM 20 Q. Now at that point in time, you were also getting
01:50PM 21 marijuana from Mark Keegan, correct?

01:50PM 22 A. Correct.

01:50PM 23 Q. Now after 2010, after you stopped growing at 608
01:51PM 24 Michigan, you primarily use those warehouses as storage for
01:51PM 25 your real estate companies, correct?

01:51PM 1 A. Correct.

01:51PM 2 Q. Okay. So no more drug activity at those locations other

01:51PM 3 than what you've testified to about a couple tractor-trailers

01:51PM 4 being unloaded, correct?

01:51PM 5 A. Not -- U-Haul trucks.

01:51PM 6 Q. U-Haul trucks.

01:51PM 7 A. That's later on.

01:51PM 8 Q. Okay. So the U-Haul trucks a couple times get unloaded?

01:51PM 9 A. It was more than a couple times.

01:51PM 10 Q. Okay. But you're not -- there's no grow operation there

01:51PM 11 in 2010 at those warehouses, correct?

01:51PM 12 A. Correct.

01:51PM 13 Q. So, again, getting to 2010, you go to Mark Keegan for

01:51PM 14 your supply, correct?

01:51PM 15 A. 2008.

01:51PM 16 Q. Well, yeah, that's what -- I guess, I mean, so it starts

01:51PM 17 in 2008 --

01:51PM 18 A. Yes, sir.

01:51PM 19 Q. -- but after you're no longer able to grow yourself, you

01:51PM 20 continue to get from Mark Keegan, correct?

01:51PM 21 A. Right.

01:51PM 22 Q. And at some point in time, you move to going through

01:51PM 23 T.S., correct?

01:52PM 24 A. Correct.

01:52PM 25 Q. And T.S. is essentially a middleman for a gentleman named

01:52PM 1 Santiago Gale, right?

01:52PM 2 A. Correct.

01:52PM 3 Q. You never dealt with them separately, correct?

01:52PM 4 A. Correct.

01:52PM 5 Q. It was only -- if you were dealing with T.S., it was

01:52PM 6 because you were getting your stuff from Santiago Gale,

01:52PM 7 correct?

01:52PM 8 A. Correct.

01:52PM 9 Q. And you never dealt with Santiago Gale without going

01:52PM 10 through T.S., correct?

01:52PM 11 A. Correct.

01:52PM 12 Q. Now, did you come to learn that Santiago Gale was

01:52PM 13 arrested here in federal court in the Western District of

01:52PM 14 New York?

01:52PM 15 A. Yes.

01:52PM 16 Q. Okay. If I told you he was charged on or about

01:52PM 17 January 24th of 2012, you'd have no reason to disagree with

01:52PM 18 me, would you?

01:52PM 19 A. I don't know the exact date, but I didn't know until

01:52PM 20 later on that he got arrested.

01:52PM 21 Q. Okay. But if I told you he's arrested in January of

01:52PM 22 2012, I'm not trying to trick you here, does that sound about

01:52PM 23 approximately when --

01:52PM 24 A. If I answered that yes, I'd be lying.

01:53PM 25 Q. Okay.

01:53PM 1 A. I have no idea.

01:53PM 2 Q. I guess what I'm trying to get at next is after Santiago
01:53PM 3 Gale is arrested, you no longer deal with him, correct?

01:53PM 4 A. Correct.

01:53PM 5 Q. Because he's not able to supply you anymore, correct?

01:53PM 6 A. It was more so I stopped going to him after Wayne

01:53PM 7 Anderson -- so, I was supposed to get it from Santiago Gale.

01:53PM 8 And then in late 2012, Wayne Anderson got arrested. And then

01:53PM 9 I kind of stopped for a little bit.

01:53PM 10 Q. Okay. Well, let me back up a little before 2012.

01:53PM 11 You talked a little bit on direct about the robbery of
01:53PM 12 T.S.?

01:53PM 13 A. Yes.

01:53PM 14 Q. Do you remember that?

01:53PM 15 A. That was in 2013.

01:53PM 16 Q. Okay. Do you recall actually testifying before the grand
01:53PM 17 jury that you believed that was in 2011?

01:53PM 18 A. No.

01:53PM 19 Q. Okay. Let me help you refresh your recollection here.

01:53PM 20 **MR. MacKAY:** Ms. Champoux, can we put for the witness
01:54PM 21 only Government Exhibit 3536N, and go to the second half of
01:54PM 22 page 15.

01:54PM 23 **BY MR. MacKAY:**

01:54PM 24 Q. So I'd like you to read -- let met start, like, line 15.

01:54PM 25 Would you read that to yourself, at the end of the page, let

1 me know, and we'll go to the next page.

2 **MR. MacKAY:** Ms. Champoux, can we advance that to
3 page 16.

4 **BY MR. MacKAY:**

5 Q. Okay. And will you continue to read down to about the
6 middle of the page.

7 A. I had it incorrect with that, because in 2011, I didn't
8 even know T.S..

9 Q. Okay. So it's your testimony that the robbery with T.S.
10 occurs in 2013?

11 A. 2013.

12 **MR. MacKAY:** Okay. You can take that down,
13 Ms. Champoux, thank you.

14 **BY MR. MacKAY:**

15 Q. But at the time you were dealing with T.S. and that
16 robbery --

17 A. Yes.

18 Q. -- that marijuana was coming from Santiago Gale, correct?

19 A. I assumed it, I didn't know 100 percent though.

20 Q. Okay. Now, speaking of Santiago Gale, when you wanted to
21 start dealing with him, you vouched for your organization by
22 telling Mr. Gale that you had a DEA agent on the payroll
23 correct?

24 A. Correct.

25 Q. All right. And that was somewhat of the same thing, it

1 was similar to what Mike Masecchia told you back in 2007,
2 2008, when you first started dealing with him, correct?

3 A. Correct.

4 Q. It wasn't necessarily that Mike Masecchia had anybody on
5 the payroll, it was that Joe Bongiovanni was looking out for
6 us, correct?

7 A. Correct.

8 Q. So at that point in time in 2007, 2008, you didn't
9 understand Mr. Masecchia to be paying you any money though,
10 right?

11 A. No.

12 Q. I'm sorry, to be paying Joe Bongiovanni any money,
13 correct?

14 A. Correct.

15 Q. Okay. But with both you talking to Santiago Gale, and
16 Mike Masecchia talking to you, both of these relationships
17 are furthered by discussion about Joe Bongiovanni, correct?

18 A. Correct.

19 Q. Now, after, sometime after Santiago Gale, you go back to
20 Mark Keegan, correct?

21 A. Yes, sir.

22 Q. As a supply?

23 A. Yes.

24 Q. All right. You're done dealing with T.S. after the
25 robbery, correct?

01:56PM 1 A. Yes.

01:56PM 2 Q. You were very unhappy about what happened that he was
01:56PM 3 storing marijuana at your warehouse, correct?

01:56PM 4 A. Correct.

01:56PM 5 Q. He also had a machine gun there without your knowledge,
01:56PM 6 in your warehouse, correct?

01:56PM 7 A. Correct.

01:56PM 8 Q. So you were completely done with him, correct?

01:56PM 9 A. Correct.

01:56PM 10 Q. And so Mark Keegan then introduces you to an individual
01:56PM 11 in New York City that's from Vancouver named Jarrett Guy,
01:57PM 12 correct?

01:57PM 13 A. Correct.

01:57PM 14 Q. This would be in the approximate 2013 to 2014 time frame?

01:57PM 15 A. 2013.

01:57PM 16 Q. Okay. Beginning or end of 2013, if you can recall?

01:57PM 17 A. More towards the end.

01:57PM 18 Q. All right. Now in those same years, do you also recall
01:57PM 19 trying to arrange some alternate sources -- strike that, let
01:57PM 20 me back up.

01:57PM 21 You don't go immediately with Jarrett Guy, you still have
01:57PM 22 both Mark Keegan and Jarrett Guy for a little bit of the time
01:57PM 23 period, correct?

01:57PM 24 A. Correct.

01:57PM 25 Q. But then after six months, you cut Mark Keegan out

01:57PM 1 because he's no longer able to supply you, correct?

01:57PM 2 A. Well, more so, he introduces me to Jarrett Guy, and he

01:57PM 3 was getting a cut, kind of, out of it. And sometimes he

01:57PM 4 would have an alternate supply, but because I didn't want --

01:57PM 5 I wanted to save money, I cut Mark Keegan out.

01:57PM 6 Q. So, right, eventually there comes a point in time where

01:57PM 7 Mark Keegan is no longer around, correct?

01:57PM 8 A. Right.

01:57PM 9 Q. Now, in those same years, do you also recall trying to

01:57PM 10 arrange some alternate sources from other parts of Canada?

01:58PM 11 A. Yes.

01:58PM 12 Q. One was a gentleman named Percy Regimbal, do you remember

01:58PM 13 him?

01:58PM 14 A. Sorry?

01:58PM 15 Q. Percy?

01:58PM 16 A. Yes, Percy.

01:58PM 17 Q. And Percy is somebody you met over the Rainbow Bridge in

01:58PM 18 Niagara Falls for a single occasion, correct?

01:58PM 19 A. Correct.

01:58PM 20 Q. And basically he tried to sell you a lesser quality

01:58PM 21 marijuana for the same price you were already getting from

01:58PM 22 Jarrett, correct?

01:58PM 23 A. Yes.

01:58PM 24 Q. And he wanted you to either pay to get it over the

01:58PM 25 border, or get it over the border yourself, correct?

01:58PM 1 A. He wanted me to pay for it in Canada, and also I had to
01:58PM 2 be responsible for bringing it over. Which I didn't have --
01:58PM 3 Q. Long story short, Mr. Guy, you get more for the same
01:58PM 4 price?
01:58PM 5 A. Correct.
01:58PM 6 Q. You get it delivered at home, same price, better quality,
01:58PM 7 correct?
01:58PM 8 A. Correct.
01:58PM 9 Q. So you didn't go with Percy, correct?
01:58PM 10 A. No.
01:58PM 11 Q. And then do you recall another occasion where you're put
01:58PM 12 in touch with a guy in Montreal to see if there's a supply
01:58PM 13 source there?
01:58PM 14 A. Correct.
01:58PM 15 Q. And you go up there to Montreal and you meet a guy at the
01:59PM 16 casino, correct?
01:59PM 17 A. Correct.
01:59PM 18 Q. But you ended up spending the \$50,000 that you brought up
01:59PM 19 there, and weren't able to consummate the deal, correct?
01:59PM 20 A. Yes.
01:59PM 21 Q. So that one didn't work out, correct?
01:59PM 22 A. No, correct.
01:59PM 23 Q. And you testified at times you were good at making money,
01:59PM 24 but had a hard time with managing the money, correct?
01:59PM 25 A. Correct.

01:59PM 1 **MR. MacKAY:** Ms. Champoux, can we put up for the jury
01:59PM 2 and witness Government Exhibit 43A-36.

01:59PM 3 **BY MR. MacKAY:**

01:59PM 4 Q. So on this screen, do you recall that to be one of your
01:59PM 5 ledgers?

01:59PM 6 A. Yes.

01:59PM 7 Q. So this is, in sum and substance, how you managed your
01:59PM 8 money?

01:59PM 9 A. Correct.

01:59PM 10 Q. Okay. I mean, just to look at this, for example, in the
01:59PM 11 upper left corner it says JC 9500; does that mean anything to
01:59PM 12 you?

01:59PM 13 A. Yes. Jay Campbell owed me \$9,500.

02:00PM 14 Q. Okay. So the people here are all -- now, is this
02:00PM 15 legitimate money? Or is this illegitimate money reflected in
02:00PM 16 this ledger?

02:00PM 17 A. Illegitimate.

02:00PM 18 Q. Okay. Is it drug money? Or is it debt collection money
02:00PM 19 in any fashion?

02:00PM 20 A. Drug money.

02:00PM 21 Q. Okay. So you maintained separate ledgers for the drug
02:00PM 22 activity that would record both -- well, what did they record
02:00PM 23 in total? Was it just who owed you what? Or did you also
02:00PM 24 itemize your expenses in here?

02:00PM 25 A. Sometimes I'd itemize my personal expenses in some of my

02:00PM 1 ledgers.

02:00PM 2 Q. Now if we were to look through these ledgers, we wouldn't
02:00PM 3 find any line items for the Mike Masecchia to Joseph
02:00PM 4 Bongiovanni payments, would we?

02:00PM 5 A. No.

02:00PM 6 Q. Those were kept off your ledgers?

02:00PM 7 A. Because those were a set costs every month, so there was
02:00PM 8 no need for me to write it down.

02:00PM 9 Q. But in any event, in managing your money, you didn't
02:00PM 10 write it in any of your ledgers?

02:00PM 11 A. Correct.

02:00PM 12 **MR. MacKAY:** You can take that down, Ms. Champoux.

02:01PM 13 Okay. Thank you.

02:01PM 14 **BY MR. MacKAY:**

02:01PM 15 Q. All right. So -- so after I think you said late 2013,
02:01PM 16 it's now pretty much exclusively Jarrett Guy, correct?

02:01PM 17 A. Correct.

02:01PM 18 Q. And that supply chain starts -- did it start through the
02:01PM 19 mail? Or was it always just couriers from the beginning?

02:01PM 20 A. At some point it was also through the mail. They would
02:01PM 21 have a courier in Buffalo, and he would mail it to a hotel.

02:01PM 22 Q. Okay.

02:01PM 23 A. It was a combination of things.

02:01PM 24 Q. Okay. So I'm understanding it starts with the mail and
02:01PM 25 couriers, correct?

02:01PM 1 A. Correct.

02:01PM 2 Q. And then ultimately it moves to the tractor-trailers with

02:01PM 3 fill-ins of the couriers if you need enough supply, correct?

02:01PM 4 A. Correct.

02:01PM 5 Q. And you recall that at times some of the packages in the

02:01PM 6 mail, they wouldn't come through, correct?

02:01PM 7 A. Correct.

02:01PM 8 Q. And do you recall at times there was at least one time

02:01PM 9 where one of the couriers was arrested in Niagara Falls?

02:01PM 10 A. I believe it was at the Millennium Hotel, I think.

02:01PM 11 Q. Okay.

02:02PM 12 A. Something --

02:02PM 13 Q. Is that in Niagara Falls?

02:02PM 14 A. No.

02:02PM 15 Q. Okay.

02:02PM 16 A. It's by the airport. Because something -- the package

02:02PM 17 came, and then they sent somebody in to pick up the package

02:02PM 18 that was taken at the hotel, and that guy got arrested.

02:02PM 19 Q. So you recall at least one occasion where the package or

02:02PM 20 a courier were arrested, correct?

02:02PM 21 A. Yes, correct.

02:02PM 22 Q. And then like we talked about, ultimately it ramps up to

02:02PM 23 these tractor-trailers with the hydraulic beds, correct?

02:02PM 24 A. Correct.

02:02PM 25 Q. And that's when there's the most amount of marijuana

02:02PM 1 coming in, right?

02:02PM 2 A. Correct.

02:02PM 3 Q. That's up to 300 pounds per load, correct?

02:02PM 4 A. Correct.

02:02PM 5 Q. All right. So, let's talk a little bit about this

02:02PM 6 payment scheme to Mr. Bongiovanni.

02:02PM 7 Your testimony, I think on direct, was that you started

02:02PM 8 these payments around fall of 2010, correct?

02:02PM 9 A. Correct.

02:02PM 10 Q. Okay. And by that time, you had been dealing with Mike

02:02PM 11 Masecchia for about three years, if we're working back to

02:03PM 12 fall of 2007?

02:03PM 13 A. Yes.

02:03PM 14 Q. Okay. And like you said, he had previously made some

02:03PM 15 statements about Mr. Bongiovanni looking out for people,

02:03PM 16 correct?

02:03PM 17 A. Correct.

02:03PM 18 Q. But there had been no discussion about any sort of

02:03PM 19 payments, correct?

02:03PM 20 A. Correct.

02:03PM 21 Q. So the first time that's raised is in fall of 2010,

02:03PM 22 correct?

02:03PM 23 A. Correct.

02:03PM 24 Q. And then shortly after, when you start dealing with

02:03PM 25 Mr. Gale, Mike Masecchia proposes those payments go up to

02:03PM 1 \$4,000 a month, correct?

02:03PM 2 A. Correct.

02:03PM 3 Q. Can you remember in the time frame about how long it is

02:03PM 4 between 2,000 and 4,000 a month?

02:03PM 5 A. That was -- the 4,000 was in spring of 2012.

02:03PM 6 Q. Okay. So by spring of 2012, it's up to 4,000 a month,

02:03PM 7 correct?

02:03PM 8 A. Correct.

02:03PM 9 Q. And you're dealing with Santiago Gale, because now the

02:03PM 10 transport stream is different, correct?

02:03PM 11 A. Correct.

02:03PM 12 Q. Okay. And then ultimately, as we know, you separate from

02:04PM 13 Santiago Gale and move on to Mark Keegan, and then Jarrett

02:04PM 14 Guy, correct?

02:04PM 15 A. Correct.

02:04PM 16 Q. But the payments to Mike Masecchia still continue at

02:04PM 17 4,000 a month, correct?

02:04PM 18 A. Correct.

02:04PM 19 Q. Okay. Now, when you're first told about this plan in

02:04PM 20 fall of 2010, it's Mike Masecchia who brings you the plan,

02:04PM 21 correct?

02:04PM 22 A. Correct.

02:04PM 23 Q. And fair to say you didn't wake up one day and say, you

02:04PM 24 know, today's the day I'm gonna buy a federal agent, correct?

02:04PM 25 A. Correct.

02:04PM 1 Q. That was Mike Masecchia told you the details about how it
02:04PM 2 would work, correct?

02:04PM 3 A. I'm sorry, can you repeat that?

02:04PM 4 Q. Mike Masecchia presented this plan to you with how it
02:04PM 5 would work, correct?

02:04PM 6 A. Correct.

02:04PM 7 Q. I mean, he's the one telling you give the money to me,
02:04PM 8 and that will get to Joe Bongiovanni, correct?

02:04PM 9 A. Correct.

02:04PM 10 Q. Now at that point in time, \$2,000 a month, based on what
02:04PM 11 you're trafficking in is not a lot of money, correct?

02:04PM 12 A. Correct.

02:04PM 13 Q. So, at that point in time, you didn't raise a lot of
02:04PM 14 questions on what the details were, correct?

02:05PM 15 A. Correct.

02:05PM 16 Q. I mean, give me an estimate in fall of 2010, you know, is
02:05PM 17 \$2,000 a month a drop in the bucket for you at this point by
02:05PM 18 then?

02:05PM 19 A. Yes.

02:05PM 20 Q. Okay. So it's a small overhead cost at that point in
02:05PM 21 time; fair to say?

02:05PM 22 A. Yes.

02:05PM 23 Q. Okay. And even when it goes up to \$4,000 a month, that's
02:05PM 24 still a relatively small drop in the bucket for what you're
02:05PM 25 moving every month, correct?

02:05PM 1 A. Correct.

02:05PM 2 Q. I think I did some math, and I'm probably going to be way
02:05PM 3 off, but -- so I calculated at your peak, if you're moving
02:05PM 4 about 300 pounds a month, I think you said you got it at
02:05PM 5 18,000 a pound?

02:05PM 6 A. Well, at different time frames, the prices were
02:05PM 7 different.

02:05PM 8 Q. Okay. Approximately though --

02:05PM 9 A. Yeah, between 1,800 and 2,000.

02:05PM 10 Q. All right. So just to give the jury an idea, when you're
02:05PM 11 at the point you're dealing with these tractor-trailers,
02:05PM 12 that's about \$540,000 a month in product you're moving,
02:05PM 13 correct?

02:05PM 14 A. As in product, yes. That's not what I was profiting.

02:06PM 15 Q. Correct. I mean, what would you profit a month at that
02:06PM 16 point in time?

02:06PM 17 A. 300 pounds? Anywhere from 75- to \$150,000.

02:06PM 18 Q. Okay. And from that, \$4,000 a month at that point in
02:06PM 19 time is still a small amount to pay out, correct?

02:06PM 20 A. Correct.

02:06PM 21 Q. And you have separate income streams from both payment
02:06PM 22 processing and debt collection on top of that, correct?

02:06PM 23 A. Correct.

02:06PM 24 Q. Okay. And I think you may have said it on direct, but
02:06PM 25 did you comingle a lot of the money from the different income

02:06PM

1 streams?

02:06PM

2 A. I spent it. What do you mean by "comingle?"

02:06PM

3 Q. I guess did -- did you keep all the money separate from

02:06PM

4 all the different places they came from?

02:06PM

5 A. The collections, I -- it's money in, money out. So it

02:06PM

6 was kind of separate.

02:06PM

7 But one thing I did is sometimes I wrote checks out of

02:06PM

8 there.

02:06PM

9 Q. Okay. I think you told at least on one occasion, there

02:06PM

10 was an individual named Joe Plevniak, it's drug money in, and

02:07PM

11 you wrote him debt collection checks back out?

02:07PM

12 A. Yes, that's the one time I did that.

02:07PM

13 Q. Okay. Now, so when Mike Masecchia brings you this plan

02:07PM

14 in fall of 2010, you knew Mike Masecchia had had, by his

02:07PM

15 description, some connection with Joe Bongiovanni for quite a

02:07PM

16 lot of time?

02:07PM

17 A. Correct.

02:07PM

18 Q. And you had been dealing with Mike Masecchia for at

02:07PM

19 least, sounds like, about a decade in some fashion, correct?

02:07PM

20 A. Yeah, indirectly.

02:07PM

21 Q. You've known him for at least a while?

02:07PM

22 A. Correct.

02:07PM

23 Q. And you trusted him, correct?

02:07PM

24 A. Correct.

02:07PM

25 Q. Okay. And it's described as what would happen would be

02:07PM 1 you pay Mike Masecchia, correct?

02:07PM 2 A. Correct.

02:07PM 3 Q. And then somehow the money gets to Joe Bongiovanni,

02:07PM 4 correct?

02:07PM 5 A. Correct.

02:07PM 6 Q. But you don't know how that happens at all, correct?

02:07PM 7 A. Correct.

02:07PM 8 Q. You were never provided with any of those details,

02:07PM 9 correct?

02:07PM 10 A. Correct.

02:07PM 11 Q. You don't know how Mr. Masecchia was supposed to contact

02:07PM 12 Joe Bongiovanni, correct?

02:07PM 13 A. Correct.

02:07PM 14 Q. You don't know when he was supposed to do that, correct?

02:07PM 15 A. Correct.

02:07PM 16 Q. And you don't know where he was supposed to meet up or do

02:08PM 17 any sort of transfer of money, correct?

02:08PM 18 A. Correct.

02:08PM 19 Q. All right. That's all beyond what was ever presented to

02:08PM 20 you, correct?

02:08PM 21 A. Correct.

02:08PM 22 Q. I think, as we talked about, the \$2,000 a month, you

02:08PM 23 don't have any questions on this because it's not a lot of

02:08PM 24 money, correct?

02:08PM 25 A. Correct.

02:08PM 1 Q. All right. Now, at that point in time, did Mike
02:08PM 2 Masecchia talk to you about Lou Selva getting information
02:08PM 3 back? Or did he present it as Mike Masecchia getting the
02:08PM 4 information back?

02:08PM 5 A. At first, I really didn't know about Lou. But then later
02:08PM 6 on, he told me that because Lou is such good friends with
02:08PM 7 Joe, it was less conspicuous than Mike being around him all
02:08PM 8 the time.

02:08PM 9 Q. Okay. So did you understand it to be, at least in the
02:08PM 10 beginning, to be -- until it was conspicuous that Mike
02:08PM 11 Masecchia made direct contact for information with Joseph
02:08PM 12 Bongiovanni?

02:08PM 13 A. Yes.

02:08PM 14 Q. Okay. Now, at any point in time, did Mike Masecchia say
02:08PM 15 sometimes you'll need to give the money Lou Selva?

02:08PM 16 A. No.

02:08PM 17 Q. Okay. So is it your testimony that you never paid any
02:09PM 18 money out to Lou Selva?

02:09PM 19 A. I mean, I did later on at some point when I was storing
02:09PM 20 marijuana at his house, I gave him money.

02:09PM 21 Q. Okay. But as far as this plan of getting information
02:09PM 22 back from Joe Bongiovanni did you ever pay Lou Selva any
02:09PM 23 money?

02:09PM 24 A. No.

02:09PM 25 Q. Okay. Every payment went directly through Mike

02:09PM 1 Masecchia, correct?

02:09PM 2 A. Correct.

02:09PM 3 Q. And fair to assume that's a cash payment every month?

02:09PM 4 A. Yes.

02:09PM 5 Q. Okay. And did you have a set schedule of when it was

02:09PM 6 supposed to be done in a month?

02:09PM 7 A. I mean, it was usually the first week of the month, but

02:09PM 8 it wasn't like a specific date. But I seen Mike so much that

02:09PM 9 it really wasn't an issue.

02:09PM 10 Q. Okay. And then is it always -- it's always Mike

02:09PM 11 Masecchia who's bringing you the information back, correct?

02:09PM 12 A. Correct.

02:09PM 13 Q. And what I mean by that is, the person you're hearing any

02:09PM 14 supposed information from is always Mike Masecchia, correct?

02:09PM 15 A. Correct.

02:09PM 16 Q. You never heard any information back indirectly through

02:09PM 17 Lou Selva, correct?

02:09PM 18 A. Correct.

02:09PM 19 Q. Okay. Whether Mike Masecchia and Lou Selva were dealing

02:10PM 20 with each other, it was something completely beyond what you

02:10PM 21 knew, correct?

02:10PM 22 A. Correct.

02:10PM 23 Q. You had been told by Mike Masecchia that Lou Selva may be

02:10PM 24 a go-between, but that was beyond what you knew, correct?

02:10PM 25 A. Correct. But later on when I was storing marijuana at

02:10PM 1 Lou's house, he mentioned Joe. So at that point, Lou
02:10PM 2 mentioned to Joe to me.

02:10PM 3 Q. But he mentioned Joe, but what I'm getting at is every
02:10PM 4 time there's a flow of information back from Joe Bongiovanni,
02:10PM 5 that's going all the way through Mike Masecchia, correct?

02:10PM 6 A. Correct.

02:10PM 7 Q. And to your knowledge, only through Mike Masecchia,
02:10PM 8 correct?

02:10PM 9 A. Correct.

02:10PM 10 Q. Okay. Now what's going out on the other side is requests
02:10PM 11 for, we'll call it, protection; is that fair to say?

02:10PM 12 A. Yes.

02:10PM 13 Q. You're getting information in on one end, correct?

02:10PM 14 A. Correct.

02:10PM 15 Q. Your understanding of this plan is that Joe Bongiovanni
02:10PM 16 is supposed to be providing you with information, number 1,
02:11PM 17 whether anybody's under investigation, correct?

02:11PM 18 A. Correct.

02:11PM 19 Q. And number 2, whether there's any informants you should
02:11PM 20 know about, correct?

02:11PM 21 A. Correct.

02:11PM 22 Q. So that's the flow of information from Joe Bongiovanni to
02:11PM 23 Mike Masecchia to Ron Serio, correct?

02:11PM 24 A. Correct.

02:11PM 25 Q. But the other flow of information from Ron Serio to Mike

02:11PM 1 Masecchia to Joe Bongiovanni is people you wanted to be on
02:11PM 2 the -- people you wanted to be protected, correct?

02:11PM 3 A. Correct.

02:11PM 4 Q. And the way you'd do that is give names to Mike
02:11PM 5 Masecchia, and numbers, so he can relay those Joe
02:11PM 6 Bongiovanni, correct?

02:11PM 7 A. Correct.

02:11PM 8 Q. So that those people would receive substantially the same
02:11PM 9 protection that you thought you were receiving, correct?

02:11PM 10 A. Correct.

02:11PM 11 Q. And we've gone through a few people here.

02:11PM 12 Jacob Martinez, he was one you wanted -- that you would
02:11PM 13 include in that group of people you wanted Joe Bongiovanni to
02:11PM 14 be aware of, correct?

02:11PM 15 A. Correct.

02:11PM 16 Q. Anthony Greco, how about that?

02:11PM 17 A. Correct.

02:11PM 18 Q. Matt LoTempio?

02:12PM 19 A. Correct.

02:12PM 20 Q. Mark Falzone?

02:12PM 21 A. Correct.

02:12PM 22 **MR. MacKAY:** I just have to retrieve an exhibit,
02:12PM 23 Judge.

02:12PM 24 **BY MR. MacKAY:**

02:12PM 25 Q. Mr. Serio, I'm going to hand you Government

02:12PM 1 Exhibit 100B-1; do you recall seeing that earlier?

02:12PM 2 A. Yes.

02:12PM 3 Q. And if we could talk about it, you recognized all of the

02:12PM 4 names on there except one, correct?

02:12PM 5 A. Correct.

02:12PM 6 Q. It was Charles Butera, correct?

02:12PM 7 A. Correct.

02:12PM 8 Q. You have no idea who that person is?

02:12PM 9 A. No idea.

02:12PM 10 Q. The remainder of the names are all folks you have some

02:12PM 11 connection to in your drug business, correct?

02:12PM 12 A. Correct.

02:12PM 13 Q. Either direct or indirect?

02:12PM 14 A. Yes.

02:12PM 15 Q. But fair to say, though, with the exception of Charles

02:13PM 16 Butera, the remaining names aren't necessarily your inner

02:13PM 17 circle, correct?

02:13PM 18 A. Correct.

02:13PM 19 Q. Because if you were to tell this jury your inner circle,

02:13PM 20 it's going to include some different names that we've already

02:13PM 21 just discussed, correct?

02:13PM 22 A. Correct.

02:13PM 23 Q. That would be Jacob Martinez, Anthony Greco, Matt

02:13PM 24 LoTempio, correct?

02:13PM 25 A. Correct.

02:13PM 1 Q. Okay. So that's -- so what you're looking at is not a
02:13PM 2 fair and accurate description of your inner circle as you
02:13PM 3 know it to be, correct?

02:13PM 4 A. Correct.

02:13PM 5 Q. Okay. I'll take that back from you. Thank you.

02:13PM 6 Now at the same time, over these years from fall of 2010
02:13PM 7 until your arrest in April of 2017, you did tell some people
02:13PM 8 about this Mike Masecchia/Joe Bongiovanni plan, correct?

02:13PM 9 A. Correct.

02:13PM 10 Q. I mean, you had many dealings with many people in your
02:13PM 11 inner circle over all those years daily, correct?

02:13PM 12 A. Correct.

02:13PM 13 Q. I mean, obviously Mike Masecchia knew, correct?

02:14PM 14 A. Correct.

02:14PM 15 Q. Your wife, your now ex-wife, she knew?

02:14PM 16 A. She knew of him, but she didn't know the dynamic of it.

02:14PM 17 Q. Okay. Mark Falzone knew?

02:14PM 18 A. Well, nobody really knew -- I didn't advertise that I was
02:14PM 19 paying Mike money.

02:14PM 20 Q. Um-hum.

02:14PM 21 A. So it was, they kind of know Joe was giving information,
02:14PM 22 but not a full scope of it.

02:14PM 23 Q. Okay. But in order for them to form an opinion, that's
02:14PM 24 from them all being close to you and seeing how you operate,
02:14PM 25 correct?

02:14PM 1 A. Correct.

02:14PM 2 Q. And you don't know who, if anybody, Mike Masecchia told

02:14PM 3 on top of who you know, correct?

02:14PM 4 A. Correct.

02:14PM 5 Q. All right. Let's talk about some other members who may

02:14PM 6 or may not have been part of your inner circle.

02:14PM 7 Dave Oddo, he was never part of your inner circle?

02:14PM 8 A. I don't personally know him.

02:14PM 9 Q. You don't personally know him, correct?

02:14PM 10 A. Correct.

02:14PM 11 Q. Fair to say, I think you didn't even really like him,

02:14PM 12 correct?

02:14PM 13 A. Correct.

02:15PM 14 Q. You had heard he had actually ripped some people off

02:15PM 15 before, correct?

02:15PM 16 A. Yeah, that he just wasn't a good person.

02:15PM 17 Q. Okay. Who else haven't I mentioned that would be on that

02:15PM 18 inner-circle list?

02:15PM 19 A. Mario Vacanti.

02:15PM 20 Q. Jimmy Rivera?

02:15PM 21 A. Jimmy Rivera.

02:15PM 22 Q. Okay. What about Jay Molecki?

02:15PM 23 A. Jay Molecki.

02:15PM 24 Q. Mark Hardick?

02:15PM 25 A. No, he just worked for me.

02:15PM 1 Q. Now, the way you believe this information scheme would
02:15PM 2 work was that, we talked about this already, is one of the
02:15PM 3 things you'd get back in return is some names of informants,
02:15PM 4 correct?

02:15PM 5 A. Correct.

02:15PM 6 Q. And when this was originally being contemplated, Mike
02:15PM 7 Masecchia told you the way this can happen is because Joe
02:16PM 8 Bongiovanni can just go to a computer, punch in some names,
02:16PM 9 and it will figure it out, correct?

02:16PM 10 A. Correct.

02:16PM 11 Q. So the way you understood it was that I can really give
02:16PM 12 any name to him, he can punch it right in, and I'll get an
02:16PM 13 answer back, correct?

02:16PM 14 A. Yeah, I really didn't know the dynamic, but it was very
02:16PM 15 vague when he just said something on the computer. So --

02:16PM 16 Q. So you understood it to be a type of arrangement where if
02:16PM 17 you feed him a name, he can look it up and you'll get an
02:16PM 18 answer back, correct?

02:16PM 19 A. Correct.

02:16PM 20 Q. Okay. Now, as you sat here and testified, you provided
02:16PM 21 basically three names that you got back that were either
02:16PM 22 informants or under some sort of investigation, correct?

02:16PM 23 A. Correct.

02:16PM 24 Q. That would be T.S., correct?

02:16PM 25 A. Correct.

02:16PM 1 Q. R.K., correct?

02:16PM 2 A. Correct.

02:16PM 3 Q. And Mario Vacanti, correct?

02:16PM 4 A. Correct.

02:16PM 5 Q. So I want to go through those in order.

02:16PM 6 T.S.. you learn he's supposedly an informant, correct?

02:16PM 7 A. Correct.

02:16PM 8 Q. And this is about the same point in time you learn R.K.

02:16PM 9 is an informant?

02:16PM 10 A. Correct.

02:17PM 11 Q. And again, if Santiago Gale were to be -- would have been

02:17PM 12 arrested in January of 2012, I'm trying to pinpoint when this

02:17PM 13 was.

02:17PM 14 A. I know it was after 2012.

02:17PM 15 Q. Okay. And it's obviously after you have done the robbery

02:17PM 16 against him, correct?

02:17PM 17 A. Correct.

02:17PM 18 Q. So this is a point in time you're no longer dealing with

02:17PM 19 T.S., correct?

02:17PM 20 A. That's correct.

02:17PM 21 Q. So by this time you get this information, he's long out

02:17PM 22 of the picture by then?

02:17PM 23 A. Correct.

02:17PM 24 Q. Okay. Now, R.K., next one. You never dealt directly

02:17PM 25 with him, correct?

02:17PM 1 A. Correct.

02:17PM 2 Q. He was just somebody who would sometimes appear with

02:17PM 3 Frank Burkhart, correct?

02:17PM 4 A. Correct.

02:17PM 5 Q. And back up. Would you put Frank Burkhart on the list of

02:17PM 6 your inner circle?

02:17PM 7 A. Yes.

02:17PM 8 Q. So, again, just to repeat the question. You would deal

02:18PM 9 with Frank Burkhart, but sometimes R.K. would be around,

02:18PM 10 correct?

02:18PM 11 A. Correct.

02:18PM 12 Q. Do you recall him ever being at your house?

02:18PM 13 A. Yes.

02:18PM 14 Q. On how many occasions?

02:18PM 15 A. I don't know. At most, five times.

02:18PM 16 Q. And it was always in the company of Frank Burkhart,

02:18PM 17 correct?

02:18PM 18 A. Correct.

02:18PM 19 Q. Did you know R.K. to have a severe addiction problem?

02:18PM 20 A. Yeah, in and out.

02:18PM 21 Q. Problems with crack cocaine?

02:18PM 22 A. Yes.

02:18PM 23 Q. I mean, fair to say, he was wasn't somebody you trusted,

02:18PM 24 correct?

02:18PM 25 A. Correct.

02:18PM 1 Q. I mean, if Frank Burkhart had not been around, you would
02:18PM 2 not let R.K. run around your 9,000 square foot mansion, would
02:18PM 3 you?

02:18PM 4 A. I wouldn't let him in my house. But if he money, I'd
02:18PM 5 take the money.

02:18PM 6 Q. But you never saw him have money, though, correct?

02:18PM 7 A. Correct, well he never gave me any money.

02:18PM 8 Q. So he never approached you with any money trying to buy
02:18PM 9 from you, though, correct?

02:18PM 10 A. Correct.

02:18PM 11 Q. And, again, you always saw him in Frank Burkhart's
02:18PM 12 presence, correct?

02:18PM 13 A. Correct.

02:18PM 14 Q. Did you ever know R.K. to buy from anybody connected to
02:18PM 15 you?

02:18PM 16 A. Well, besides Frank Burkhart?

02:18PM 17 Q. Let's leave Frank out of that, yeah.

02:19PM 18 A. No.

02:19PM 19 Q. Okay. Now, would this have been -- so when you're --
02:19PM 20 strike that.

02:19PM 21 When you're seeing R.K. around your house, the time frame
02:19PM 22 is what, 2013?

02:19PM 23 A. 2012.

02:19PM 24 Q. Okay. Do you recall him being arrested for a string of
02:19PM 25 burglaries?

02:19PM 1 A. I remember -- I don't know what the time frame, but it
02:19PM 2 was after he stopped coming around was something with Poster
02:19PM 3 Art on Elmwood. I seen him on the news.

02:19PM 4 Q. That's what I'm trying to narrow down. Do you recall
02:19PM 5 receiving -- strike that.

02:19PM 6 Did you learn that he was arrested for a bunch of
02:19PM 7 burglaries?

02:19PM 8 A. Yes, sir.

02:19PM 9 Q. Was that fairly well known in the community --

02:19PM 10 A. Yes.

02:19PM 11 Q. -- that he was facing charges?

02:19PM 12 A. Correct.

02:19PM 13 Q. Okay. And because of that, you certainly would not have
02:19PM 14 dealt with him at that point in time, correct?

02:19PM 15 A. Correct.

02:19PM 16 Q. Because people who are facing charges often can find
02:19PM 17 themselves cooperating against others, correct?

02:19PM 18 A. Correct.

02:19PM 19 Q. So, is that about the time period you find out he's an
02:20PM 20 informant?

02:20PM 21 A. A little after that.

02:20PM 22 Q. Okay. So after he's been -- after you know he's been
02:20PM 23 arrested is when you find out he's an informant, correct?

02:20PM 24 A. Yes, that's correct.

02:20PM 25 Q. Okay. And do you recall telling federal agents in 2019

1 that Frank Burkhardt actually knew R.K. was an informant?

2 A. I don't remember saying that.

3 Q. Okay. All right. Let me try to refresh your

4 recollection.

5 **MR. MacKAY:** Ms. Champoux, can we put 3536Z, as in
6 zebra, dash 1, for the witness only. Page 3.

7 **BY MR. MacKAY:**

8 Q. I'm going to direct your attention to the fourth -- it's
9 gonna be the fifth paragraph down.

10 A. Okay.

11 Q. Yep. Take a look at that for a moment to yourself, let
12 me know if that refreshes your recollection about what Frank
13 Burkhardt may have told you about R.K..

14 Looks like you already reviewed it?

15 A. Yes.

16 **MR. MacKAY:** Ms. Champoux, can you take that down?

17 **BY MR. MacKAY:**

18 Q. Do you recall at some point in time R.K. -- Frank
19 Burkhardt telling you R.K. was an informant?

20 A. I don't remember Frank Burkhardt saying it, but I know in
21 2015 I ran into R.K., and he told me he was an informant. I
22 was driving down Kenmore Avenue, and right where Tops is
23 there's a light. And I was stuck at the light, and he was at
24 the bus stop, and he jumped in my car.

25 And he was saying something about -- I think he was

02:22PM 1 trying to get money from me saying that he was an, you know,
02:22PM 2 I just want to tell you because I always liked you that I'm
02:22PM 3 an informant, and I do drug buys. They pay me \$300 at a
02:22PM 4 time. And, you know, if you want me to call the detective,
02:22PM 5 I'll see if you're under investigation.

02:22PM 6 And at that time I said no. And I gave him \$200, and
02:22PM 7 that was it.

02:22PM 8 Q. Okay. Did he ever identify who he was working with?

02:22PM 9 A. No.

02:22PM 10 Q. All right. Now, third you've got Mario Vacanti. He's
02:22PM 11 the third one you want to know about information, correct?

02:22PM 12 A. Right.

02:22PM 13 Q. And you learn that he was supposedly under investigation
02:22PM 14 for money laundering, correct?

02:22PM 15 A. Correct.

02:22PM 16 Q. And sum and substance, you learn that somebody named Paul
02:22PM 17 Humphrey gave up his name, correct?

02:22PM 18 A. Correct.

02:22PM 19 Q. And you confront Mario Vacanti with this, and he
02:22PM 20 basically confirms it with -- Paul Humphrey owes me money?

02:23PM 21 A. Yes.

02:23PM 22 Q. And you believe that occurred in 2015, correct?

02:23PM 23 A. Correct.

02:23PM 24 Q. So that -- that piece of information is significantly
02:23PM 25 separated in time from the others with R.K. and T.S.,

02:23PM 1 correct?

02:23PM 2 A. Correct.

02:23PM 3 Q. Now, again, this information with Mario Vacanti, it comes

02:23PM 4 through Mike Masecchia, correct?

02:23PM 5 A. Correct.

02:23PM 6 Q. And Mike Masecchia and Mario Vacanti, were they often

02:23PM 7 together around you in the same locations?

02:23PM 8 A. Occasionally.

02:23PM 9 Q. I mean, I guess what I'm asking is at your Lebrun

02:23PM 10 property, would they come and go --

02:23PM 11 A. Yes.

02:23PM 12 Q. -- and see each other?

02:23PM 13 A. Yes.

02:23PM 14 Q. Okay. Fair to assume that Mike Masecchia was aware of

02:23PM 15 your business dealings with Mario Vacanti, correct?

02:23PM 16 A. Right.

02:23PM 17 Q. Not just your drug dealings, but also your property

02:23PM 18 dealings, correct?

02:23PM 19 A. Correct.

02:23PM 20 Q. Okay. And as you said, the Mario Vacanti information

02:23PM 21 happens in 2015, correct?

02:23PM 22 A. Correct.

02:23PM 23 Q. And the way that you launder money with Mario Vacanti is

02:23PM 24 by flipping houses, correct?

02:23PM 25 A. Correct.

02:23PM 1 Q. We won't get into all the details, but basically you move
02:24PM 2 drug money in, buy a house, and then sell it off in one of
02:24PM 3 the names, correct?
02:24PM 4 A. Correct.
02:24PM 5 Q. Now do you recall that Mario Vacanti was on federal
02:24PM 6 probation until the end of 2014?
02:24PM 7 A. Correct.
02:24PM 8 Q. Okay. So is it your testimony that you were dealing with
02:24PM 9 him with both drugs and money laundering while he was on
02:24PM 10 federal probation, or did that start afterwards?
02:24PM 11 A. I believe it started afterwards.
02:24PM 12 Q. Okay. So, again, not trying to trick you, but if we know
02:24PM 13 and if I tell you that Mario Vacanti's probation was extended
02:24PM 14 until December 2014, you'd have no reason to disagree with me
02:24PM 15 on that, correct?
02:24PM 16 A. I didn't know the dynamics of it.
02:24PM 17 Q. Okay. But if we use that as one bookend, do you think
02:24PM 18 you probably weren't doing any drug activity with Mario
02:24PM 19 Vacanti prior to that, correct?
02:24PM 20 A. What time frame?
02:24PM 21 Q. Prior to end of 2014.
02:24PM 22 A. End of 2014? I couldn't say for sure.
02:24PM 23 Q. Because you, I mean, were you aware around that time that
02:25PM 24 he was on federal probation?
02:25PM 25 A. I thought he was off federal probation.

02:25PM 1 Q. Ut you did know he was arrested and charged and convicted
02:25PM 2 in federal court?
02:25PM 3 A. Yes, correct.
02:25PM 4 Q. Now, notwithstanding that, going forward, you continue
02:25PM 5 to work money laundering with Mario Vacanti into 2015 and
02:25PM 6 2016, correct?
02:25PM 7 A. We stopped for a while. He's already in the -- I think
02:25PM 8 it's 163 Wardman with him.
02:25PM 9 Q. Yep. I'm gonna get into two properties with him.
02:25PM 10 A. Okay.
02:25PM 11 Q. Do you remember 180 North Park?
02:25PM 12 A. Yes.
02:25PM 13 Q. Okay. That one you bought in about January 2015,
02:25PM 14 correct?
02:25PM 15 A. Correct.
02:25PM 16 Q. And then you sold it to him and his mother in December of
02:25PM 17 2016, correct?
02:25PM 18 A. Correct.
02:25PM 19 Q. And it's the whole cycle of buying a house and then
02:25PM 20 selling it off, it cleans the money, correct?
02:25PM 21 A. Correct.
02:25PM 22 Q. And then similarly, it's 165 Wardman, does that sound
02:25PM 23 familiar?
02:25PM 24 A. Correct.
02:25PM 25 Q. That's one in Kenmore, right?

02:25PM 1 A. Yes.

02:25PM 2 Q. You buy that with him in December of 2014, correct?

02:26PM 3 A. Yes.

02:26PM 4 Q. And then you sell it off in October of 2015, correct?

02:26PM 5 A. Correct.

02:26PM 6 Q. So, those two properties, though, and as you sit here

02:26PM 7 today, those were laundered properties, correct?

02:26PM 8 A. Correct.

02:26PM 9 Q. Okay. Now, notwithstanding that, you continue to do that

02:26PM 10 even though you had heard that Mario Vacanti was under

02:26PM 11 investigation for money laundering in some fashion, correct?

02:26PM 12 A. Correct.

02:26PM 13 Q. Now, and you continue to be in close contact with Mario

02:26PM 14 Vacanti all through 2016, correct?

02:26PM 15 A. Well, we separated for a little bit in 2015. He stopped

02:26PM 16 coming around for a while. And the only reason I transferred

02:26PM 17 it to him in 2016 was because he -- my wife wound up leaving

02:26PM 18 me for him, and I didn't want any problems, so I just

02:26PM 19 transferred the house in his name.

02:26PM 20 Q. Okay. And you were aware that this sort of property

02:26PM 21 transfer could raise red flags?

02:26PM 22 A. When it happened, I told them that it was a bad idea to

02:26PM 23 do it this way, but --

02:27PM 24 Q. But you never -- you went ahead and did it knowing that

02:27PM 25 there could be potential red flags for money laundering,

02:27PM 1 correct?

02:27PM 2 A. Yes, correct.

02:27PM 3 Q. I guess that's what I'm getting at.

02:27PM 4 A. Yes.

02:27PM 5 Q. Now, would you have any reason to doubt me that your

02:27PM 6 phone logs show that between November of 2015 and September

02:27PM 7 2016, you corresponded by phone call with Mario Vacanti

02:27PM 8 165 times?

02:27PM 9 A. Probably right.

02:27PM 10 Q. So you were continuing to have contact with Mario Vacanti

02:27PM 11 all the way through end of 2016?

02:27PM 12 A. Correct.

02:27PM 13 Q. Now, did you understand that Mike Masecchia may not have

02:27PM 14 liked some of the younger folks who were around you?

02:27PM 15 A. I did not get that impression.

02:27PM 16 Q. Do you know what his opinion of Anthony Gerace was?

02:27PM 17 A. He didn't like him.

02:27PM 18 Q. Didn't like him. That's what I'm getting at. Mario

02:27PM 19 Vacanti and Anthony Gerace are about how old?

02:27PM 20 A. Well, Mario was much younger than me. When I met him, I

02:27PM 21 think he was in his mid 20s.

02:27PM 22 And Anthony, I feel, is like my age.

02:27PM 23 Q. Okay. So if we can put some numbers on those

02:28PM 24 approximately. You're 47?

02:28PM 25 A. I'm 47. At the time, I want to say Mario was probably 30

02:28PM 1 now? Maybe early 30s. And Anthony is, I think, maybe four
02:28PM 2 years younger than me.

02:28PM 3 Q. Okay. And then as we've established, Mike Masecchia is a
02:28PM 4 bit older than you, about a decade?

02:28PM 5 A. Yes.

02:28PM 6 Q. Okay. So you told us Mike Masecchia didn't like Anthony
02:28PM 7 Gerace, correct?

02:28PM 8 A. Correct.

02:28PM 9 Q. And any indication he wanted to cut him out of the
02:28PM 10 business?

02:28PM 11 A. He did.

02:28PM 12 Q. Okay.

02:28PM 13 A. He wanted me to stay away from him.

02:28PM 14 Q. And Mario Vacanti, did you see any hostility from Mike
02:28PM 15 Masecchia toward him?

02:28PM 16 A. No.

02:28PM 17 Q. Now, you testified on direct that Mike Masecchia also
02:28PM 18 provided some other names to you, but you really couldn't
02:28PM 19 recall who they were, correct?

02:28PM 20 A. Yeah.

02:28PM 21 Q. That they didn't mean anything to you, correct?

02:28PM 22 A. Correct.

02:28PM 23 Q. Because they weren't people you were dealing with,
02:28PM 24 correct?

02:28PM 25 A. Correct.

02:28PM 1 Q. I think you told us about the name of a possible
02:29PM 2 bartender at Gables on Hertel Avenue?
02:29PM 3 A. Correct.
02:29PM 4 Q. And now you knew that Mike Masecchia was sort of a North
02:29PM 5 Buffalo guy, correct?
02:29PM 6 A. Correct.
02:29PM 7 Q. He had grown up there, correct?
02:29PM 8 A. Correct.
02:29PM 9 Q. Long time connections in that neighborhood, right?
02:29PM 10 A. Yes.
02:29PM 11 Q. And he was also known as frequenting a lot of the bars in
02:29PM 12 the neighborhood, correct?
02:29PM 13 A. Correct.
02:29PM 14 Q. He was sort of tied in with the neighborhood gossip,
02:29PM 15 correct?
02:29PM 16 A. Correct.
02:29PM 17 Q. I mean, he was a guy that totally a part from anything
02:29PM 18 you might have been doing with Joe Bongiovanni, he was also a
02:29PM 19 good source of information about what was going on in North
02:29PM 20 Buffalo, correct?
02:29PM 21 A. I mean, it's hard for me to say. I mean, he knew a lot
02:29PM 22 of people.
02:29PM 23 Q. And that's what I'm getting at. He knew a lot of people
02:29PM 24 that there, correct?
02:29PM 25 A. Correct.

02:29PM 1 Q. He knew people both from the drug business and the bar
02:29PM 2 businesses, correct?

02:29PM 3 A. Correct.

02:29PM 4 Q. So in many ways, he knew what people were talking about
02:29PM 5 when he would go out, correct?

02:29PM 6 A. Correct.

02:29PM 7 Q. So he was also a teacher in the City of Buffalo, correct?

02:29PM 8 A. Correct.

02:29PM 9 Q. Now, when you were provided this information from Mike
02:30PM 10 Masecchia, even -- we've established already it only ever
02:30PM 11 comes through Mike Masecchia, correct?

02:30PM 12 A. Correct.

02:30PM 13 Q. You have no way of verifying this information
02:30PM 14 independently, correct?

02:30PM 15 A. Correct.

02:30PM 16 Q. You had to sort of take Mike Masecchia at his word on it
02:30PM 17 when you get this information, correct?

02:30PM 18 A. Correct.

02:30PM 19 Q. So, for example, you don't know whether the information
02:30PM 20 was coming from somewhere like street gossip, correct?

02:30PM 21 A. Correct.

02:30PM 22 Q. You don't know whether the information was coming from
02:30PM 23 bar gossip, correct?

02:30PM 24 A. Correct.

02:30PM 25 Q. You don't know whether the information was something Mike

02:30PM 1 Masecchia had concocted with a greater plan in mind, correct?

02:30PM 2 A. Correct.

02:30PM 3 Q. I mean, for example, you told us here that Anthony

02:30PM 4 Gerace -- he didn't like him, correct?

02:30PM 5 A. Correct.

02:30PM 6 Q. And fair to say there were other people he didn't like?

02:30PM 7 A. Not that I can think of.

02:30PM 8 Q. Okay. But, again, you don't know everybody he does and

02:30PM 9 doesn't, correct?

02:30PM 10 A. Yeah.

02:30PM 11 Q. So you can't rule out that he would be providing you

02:30PM 12 information to steer you way from people, correct?

02:31PM 13 A. Correct.

02:31PM 14 Q. Because -- is it fair to say the more marijuana you

02:31PM 15 dealt, the more opportunity he had to deal through you?

02:31PM 16 A. Correct.

02:31PM 17 Q. So the more you can corner the market, the more he can

02:31PM 18 increase his profit, correct?

02:31PM 19 A. I mean, I guess.

02:31PM 20 Q. Well, I mean, he's friends with you, and he's working

02:31PM 21 with you, correct?

02:31PM 22 A. Correct.

02:31PM 23 Q. And if you're going to ultimately corner the market, and

02:31PM 24 he's your partner, that's gonna increase his share of what he

02:31PM 25 gets, correct?

02:31PM 1 A. Correct.

02:31PM 2 Q. Okay. Now, another part of this information flow you
02:31PM 3 talked about is the hope that you would send information out
02:31PM 4 through Mike Masecchia to Joe Bongiovanni, for
02:31PM 5 Mr. Bongiovanni to be on the lookout, for example, when
02:31PM 6 supply loads were coming in, correct?

02:31PM 7 A. Correct.

02:31PM 8 Q. So it was your understanding, the way the scheme would
02:31PM 9 work, was that when loads of marijuana would were coming in,
02:31PM 10 you would receive a tip if there was anything raising
02:31PM 11 something sort of red flag, correct?

02:32PM 12 A. Correct. Like, if there was word that there was a
02:32PM 13 shipment coming in from Utah or -- that's supposed to end up
02:32PM 14 in Boston, or it's coming over the border.

02:32PM 15 Q. So you expected that your supply routes were -- were
02:32PM 16 being looked after, correct?

02:32PM 17 A. Correct.

02:32PM 18 Q. We don't have to go through them all, but we're talking
02:32PM 19 mail, U-Haul, truck, courier, all that, correct?

02:32PM 20 A. It's basically the trucks. Because, I mean, how would
02:32PM 21 you do the mail?

02:32PM 22 Q. Well, that's what I'm asking you. What you knew.

02:32PM 23 A. Yes.

02:32PM 24 Q. Okay. And again, this is information -- did you -- let
02:32PM 25 me phrase it this way.

02:32PM 1 Is this something you asked on your own for Mr. Masecchia
02:32PM 2 to pass to Mr. Bongiovanni?

02:32PM 3 Or is this something that Mr. Masecchia proposed could be
02:32PM 4 part of the plan?

02:32PM 5 Do you understand what I'm asking?

02:32PM 6 A. Well, in 2012 when the payments got upped, I'm the one
02:32PM 7 that said, you know, could you take a look at it -- have him
02:32PM 8 look out for anything coming from out West from Utah or
02:33PM 9 Vegas.

02:33PM 10 And he said he would talk to him. And that's when he
02:33PM 11 came back with \$2,000 more a month.

02:33PM 12 Q. Okay. So what you're saying is I want a little bit more
02:33PM 13 for my money that the point in time, correct?

02:33PM 14 A. Correct.

02:33PM 15 Q. And what that little bit more is, I want a look-out of
02:33PM 16 what's coming from out West, correct?

02:33PM 17 A. Correct.

02:33PM 18 Q. But as we talked about, there were packages that didn't
02:33PM 19 get there, correct?

02:33PM 20 A. Correct.

02:33PM 21 Q. And there was a courier, at least once, who was arrested,
02:33PM 22 correct?

02:33PM 23 A. Correct.

02:33PM 24 Q. And you never, to your recollection, as you testified
02:33PM 25 here, ever got any tip-off about there being any other

02:33PM 1 problems about any of the supply loads coming in, correct?

02:33PM 2 A. Correct.

02:33PM 3 Q. Meaning that in all this time, you never got any

02:33PM 4 indication, hey, be aware, don't take this load, it's hot,

02:33PM 5 correct?

02:33PM 6 A. Correct.

02:33PM 7 Q. Okay. You were also never told lay low, don't take a

02:33PM 8 shipment from a specific source, because that source is under

02:33PM 9 surveillance, correct?

02:33PM 10 A. Correct.

02:34PM 11 Q. Now, you told us on direct that you gambled a lot,

02:34PM 12 correct?

02:34PM 13 A. Correct.

02:34PM 14 Q. Gambled at a number of different casinos here in the

02:34PM 15 States and up in Canada, correct?

02:34PM 16 A. Correct.

02:34PM 17 Q. By 2015, you were being pulled over a lot at the border

02:34PM 18 for secondary inspection, correct?

02:34PM 19 A. Correct.

02:34PM 20 Q. And just so the jury understands, secondary inspection is

02:34PM 21 we don't pass at the first gate, and they pull you over and

02:34PM 22 ask you furtherer questions and further searches and things

02:34PM 23 like that, correct?

02:34PM 24 A. Correct.

02:34PM 25 Q. So you were getting a lot of that around 2015; do you

02:34PM 1 recall that?

02:34PM 2 A. Yes.

02:34PM 3 Q. You have an estimation for this jury about how many times

02:34PM 4 you remember being had pulled over at secondary?

02:34PM 5 A. A lot. I mean, more than -- in 2015, at least maybe 20,

02:34PM 6 30 times.

02:34PM 7 Q. Okay. And from what you're being told from law

02:34PM 8 enforcement officers, it's your understanding this has

02:34PM 9 something to do with your casino activity?

02:34PM 10 A. Yes.

02:34PM 11 Q. Okay. Because you're frequently visiting the casinos,

02:35PM 12 correct?

02:35PM 13 A. Correct.

02:35PM 14 Q. Were you bringing money back and forth over the border at

02:35PM 15 that time?

02:35PM 16 A. Occasionally. Sometimes I'd take checks though.

02:35PM 17 Q. So whether it's cash or check, I mean, you're

02:35PM 18 transporting large amounts of money over the border, correct?

02:35PM 19 A. Correct.

02:35PM 20 Q. You never received any information back in return about

02:35PM 21 any investigations at the border of you, correct?

02:35PM 22 A. Correct.

02:35PM 23 Q. You never received any information from Mike Masecchia

02:35PM 24 that was supposedly coming from Joseph Bongiovanni about how

02:35PM 25 to better navigate these border crossings to avoid the

02:35PM 1 secondary inspections, did you?

02:35PM 2 A. No.

02:35PM 3 Q. Okay. And you were never told that your casino

02:35PM 4 activities in general were being investigated around that

02:35PM 5 time, were you?

02:35PM 6 A. No.

02:35PM 7 Q. Nor were your general finances being investigated,

02:35PM 8 correct?

02:35PM 9 A. Correct.

02:35PM 10 Q. Okay. So, what I'm saying by that is in 2015 you

02:35PM 11 received no tip-off that you were being investigated

02:35PM 12 personally for your finances?

02:35PM 13 A. No.

02:35PM 14 Q. All right. So while we're on the time frame of 2015,

02:36PM 15 let's go to the end, to December of 2015. You talked a

02:36PM 16 little bit about Mark Vitale.

02:36PM 17 A. Correct.

02:36PM 18 Q. Mark Vitale was not somebody who would ever deal directly

02:36PM 19 with you, correct?

02:36PM 20 A. Correct.

02:36PM 21 Q. He was somebody who would go through Adrian Fina or John

02:36PM 22 Robinson, correct?

02:36PM 23 A. Correct.

02:36PM 24 Q. And you come to learn that he's been arrested, correct?

02:36PM 25 A. Correct?

02:36PM 1 Q. And you learned about that from -- is that Adrian, I
02:36PM 2 think you said on direct?

02:36PM 3 A. I believe so, yes.

02:36PM 4 Q. Now you -- you did not receive any tip-off that that
02:36PM 5 arrest was about to happen from Mike Masecchia prior to it
02:36PM 6 happening, correct?

02:36PM 7 A. Correct.

02:36PM 8 Q. And I think you told us you made some outreach to Mike
02:36PM 9 Masecchia after the arrest, and he just told you everything's
02:36PM 10 fine, correct?

02:36PM 11 A. Correct.

02:36PM 12 Q. Do you recall how long after the arrest and your outreach
02:36PM 13 to Mike Masecchia was?

02:36PM 14 A. I mean, fairly right after the arrest. I don't have an
02:36PM 15 exact date, maybe a couple days.

02:37PM 16 Q. Okay. And did you come to learn the DEA was actually
02:37PM 17 present at the scene of Mark Vitale's arrest at his house?

02:37PM 18 A. Not until later.

02:37PM 19 Q. And how'd you learned later, through viewing materials in
02:37PM 20 this case?

02:37PM 21 A. Excuse me?

02:37PM 22 Q. How did you learn about that later?

02:37PM 23 A. Actually, my wife texted me, like, I don't know, maybe
02:37PM 24 six months or a year later.

02:37PM 25 Q. And what did she tell you?

02:37PM 1 A. She said, do you know that Joe was the arresting officer
02:37PM 2 with Mark Vitale in a text message.

02:37PM 3 Q. Okay. And by "Joe," you mean Joe Bongiovanni was the
02:37PM 4 arresting officer?

02:37PM 5 A. Correct.

02:37PM 6 Q. Okay. But Joe Bongiovanni, you never received any
02:37PM 7 information prior to that that Joe Bongiovanni was the
02:37PM 8 arresting officer, correct?

02:37PM 9 A. Correct.

02:37PM 10 Q. Mike Masecchia never showed you any DEA paperwork
02:37PM 11 pertaining to this arrest, correct?

02:37PM 12 A. Correct.

02:37PM 13 Q. And you never received any information about Mark Vitale
02:37PM 14 being an informant in any capacity, did you, correct?

02:37PM 15 A. Correct.

02:37PM 16 Q. Now, Wayne Anderson. We're gonna go back a little bit.
02:38PM 17 This is the end of 2012.

02:38PM 18 You recall learning from Mike Masecchia that he's
02:38PM 19 arrested, correct?

02:38PM 20 A. Correct.

02:38PM 21 Q. And do you recall that the way Mike Masecchia learned
02:38PM 22 about that is he was driving by his house and he saw cops
02:38PM 23 there, correct?

02:38PM 24 A. Correct.

02:38PM 25 Q. Okay. So Mike Masecchia, to your understanding, did not

02:38PM 1 get this information from Joe Bongiovanni, he saw it with his
02:38PM 2 own two eyes, correct?

02:38PM 3 A. Correct.

02:38PM 4 Q. And do you recall Frank Burkhart actually telling you
02:38PM 5 about this arrest as well, too?

02:38PM 6 A. Correct.

02:38PM 7 Q. And Frank Burkhart has an ownership in a tattoo studio
02:38PM 8 not far down the street on Elmwood from where Wayne Anderson
02:38PM 9 lives, correct?

02:38PM 10 A. Correct.

02:38PM 11 Q. Okay. So these two people who were bringing you the
02:38PM 12 information were telling you basically because they had
02:38PM 13 personal knowledge of the arrest, correct?

02:38PM 14 A. Correct.

02:38PM 15 Q. You did not, around this time in 2012, receive any
02:38PM 16 tip-offs from Joe Bongiovanni, correct?

02:38PM 17 A. Correct.

02:38PM 18 Q. And you did not receive any information that -- to the
02:39PM 19 effect, well, Joe Bongiovanni's got this under control with
02:39PM 20 Wayne Anderson, correct?

02:39PM 21 A. I'm sorry, could you repeat that?

02:39PM 22 Q. Bad question. Bad wording.

02:39PM 23 After Mr. Anderson's arrested, you never got any word
02:39PM 24 back from Mike Masecchia that Joe Bongiovanni is taking care
02:39PM 25 of this, correct?

02:39PM 1 A. Well, Mike said there's nothing to worry about.

02:39PM 2 Q. And that's what he said with a couple different
02:39PM 3 situations, correct?

02:39PM 4 A. Correct.

02:39PM 5 Q. You said, with Mark Vitale he said that, correct?

02:39PM 6 A. Correct.

02:39PM 7 Q. And so with this Wayne Anderson --

02:39PM 8 A. Correct.

02:39PM 9 Q. -- arrest, all you hear from Mike Masecchia is nothing to
02:39PM 10 worry about, correct?

02:39PM 11 A. Correct.

02:39PM 12 Q. About you didn't receive any sort of details about what
02:39PM 13 that meant in either situation, correct?

02:39PM 14 A. Correct.

02:39PM 15 Q. You received no details about what supposedly you had to
02:39PM 16 worry about, correct?

02:39PM 17 A. Correct.

02:39PM 18 Q. You received no details about what sort of actions were
02:39PM 19 being done to dissuade investigation into your organization,
02:39PM 20 correct?

02:39PM 21 A. Correct.

02:39PM 22 Q. And just to be clear by 2012, you're several years into
02:40PM 23 now paying Joe Bongiovanni through Mike Masecchia several
02:40PM 24 thousand dollars a month, correct?

02:40PM 25 A. Correct. But I also hadn't been getting arrested, too,

02:40PM 1 though, so --

02:40PM 2 Q. Well, so, but my point is, the information that's coming
02:40PM 3 back from you, back to you, you don't hear anything about the
02:40PM 4 Wayne Anderson arrest that tracks back to Joe Bongiovanni,
02:40PM 5 correct?

02:40PM 6 A. Correct.

02:40PM 7 Q. Because it only comes from Mike Masecchia from what he
02:40PM 8 saw, and Frank Burkhart from what he saw, correct?

02:40PM 9 A. Correct.

02:40PM 10 Q. Now, were you also connected to Anthony Gerace.

02:40PM 11 A. Correct.

02:40PM 12 Q. That seems to come later though, correct?

02:40PM 13 A. Correct.

02:40PM 14 Q. Did you pinpoint that about 2015 or so?

02:40PM 15 A. Yes.

02:40PM 16 Q. Okay. Now, you ended up dealing fairly closely with him,
02:40PM 17 correct?

02:40PM 18 A. Correct.

02:40PM 19 Q. I mean, close enough that you were unloading 300-pound
02:40PM 20 hauls of marijuana with him, correct?

02:40PM 21 A. Correct.

02:40PM 22 Q. And there was also a buyer-seller relationship between
02:40PM 23 both -- that ran both ways, correct?

02:40PM 24 A. Correct.

02:40PM 25 Q. So, would it be fair to say he goes in your inner circle?

02:40PM 1 A. Yes.

02:41PM 2 Q. Now, in 2016, you never received any information to be on
02:41PM 3 the lookout for Anthony Gerace in any fashion, correct?

02:41PM 4 A. Mike didn't want me being around him because he said that
02:41PM 5 he was an informant for Bongiovanni.

02:41PM 6 Q. Okay. So I think -- because we didn't hear about this on
02:41PM 7 direct, you're telling me that Masecchia tells you Anthony
02:41PM 8 Gerace is an informant for Joe Bongiovanni?

02:41PM 9 A. Correct. And then I'm kind of in a position where, what
02:41PM 10 am I supposed to do now?

02:41PM 11 Q. So let me ask the question here.

02:41PM 12 A. Okay.

02:41PM 13 Q. So what time frame is that?

02:41PM 14 A. 2016.

02:41PM 15 Q. Okay. And you've indicated, though, that Mike Masecchia
02:41PM 16 does not like Anthony Gerace, correct?

02:41PM 17 A. Right.

02:41PM 18 Q. You never heard any information that Anthony Gerace had
02:41PM 19 been approached back in 2010 by Homeland Security, correct?

02:41PM 20 A. Correct.

02:41PM 21 Q. You never saw any Homeland Security documents or any
02:41PM 22 information regarding how he had come in to law enforcement
02:42PM 23 and talked to law enforcement back in 2010, correct?

02:42PM 24 A. He eventually told me --

02:42PM 25 Q. Well, so my question was, you never received any

02:42PM 1 information --

02:42PM 2 **MR. TRIPI:** Objection. He was being responsive.

02:42PM 3 **MR. MacKAY:** It sounded like he was going to be
02:42PM 4 nonresponsive, Judge.

02:42PM 5 **THE COURT:** No, it's nonresponsive. Overruled.

02:42PM 6 **MR. MacKAY:** Overruled.

02:42PM 7 **BY MR. MacKAY:**

02:42PM 8 Q. Okay. So, let me ask the question again.

02:42PM 9 In 2010 -- sorry, strike that.

02:42PM 10 When you're dealing with Mike Masecchia, and he's telling
02:42PM 11 you about Anthony Gerace, did you ever receive any
02:42PM 12 information that Anthony Gerace had talked to law enforcement
02:42PM 13 back in 2010?

02:42PM 14 A. No, not specifically.

02:42PM 15 Q. Okay. Nothing specific like that? That's what I'm
02:42PM 16 getting toward.

02:42PM 17 A. Right.

02:42PM 18 Q. All right. So you were never provided with the
02:42PM 19 information that Anthony Gerace had proffered to the United
02:42PM 20 States Attorney --

02:42PM 21 **MR. TRIPI:** Objection. Witness said he didn't know.
02:42PM 22 He's asking it another way. Counsel testifying.

02:43PM 23 **THE COURT:** Overruled.

02:43PM 24 **BY MR. MacKAY:**

02:43PM 25 Q. You never received any information that in 2010 he talked

02:43PM 1 with U.S. Attorney's Office, did you?

02:43PM 2 A. No.

02:43PM 3 Q. Okay. You were never provided any information that he

02:43PM 4 was the subject of a September 2016 seizure of pills that had

02:43PM 5 come potentially from Jarrett Guy, did you?

02:43PM 6 A. Yes, Anthony told me that.

02:43PM 7 Q. Anthony told you, but not Mike Masecchia.

02:43PM 8 A. Correct.

02:43PM 9 Q. I just want to make sure you get my question.

02:43PM 10 My question is: You never received any tip-off from Mike
02:43PM 11 Masecchia about that, correct?

02:43PM 12 A. Correct.

02:43PM 13 Q. Okay. Now, with Mike Masecchia, Mike Masecchia never

02:43PM 14 told you that he was the subject of a DEA investigation back

02:43PM 15 in 2004, did he?

02:43PM 16 A. That Mike was?

02:43PM 17 Q. Correct.

02:43PM 18 A. Correct.

02:43PM 19 Q. He didn't tell you about either a Buffalo or Las Vegas

02:44PM 20 investigation into him back in 2004, correct?

02:44PM 21 A. Correct.

02:44PM 22 Q. And he didn't tell you about investigation that might

02:44PM 23 have concerned him in 2009, 2010, did he?

02:44PM 24 A. No.

02:44PM 25 Q. Okay. Now, the Suppas. You had significant dealings

02:44PM 1 with at least two of them, correct?

02:44PM 2 A. Correct.

02:44PM 3 Q. I think that would be John and Matt, correct?

02:44PM 4 A. Yes.

02:44PM 5 Q. And some of those to deal with the outdoor grow

02:44PM 6 operations down in Franklinville, correct?

02:44PM 7 A. No. That was -- John Suppa was at the grow house on his

02:44PM 8 house on Hertel Avenue.

02:44PM 9 Q. Okay. So John is solely a grow house on Hertel. But did

02:44PM 10 you know any of the Suppas to be associated with outdoor

02:44PM 11 grows down in Cattaraugus County?

02:44PM 12 A. Well, Mark was part owner of that, but he lives in

02:44PM 13 Chicago, so he wasn't personally involved in the growing of

02:44PM 14 it.

02:44PM 15 Q. Right. They were using his land, correct?

02:44PM 16 A. Correct.

02:44PM 17 Q. Okay. So he was involved in some fashion in an outdoor

02:44PM 18 grow, correct?

02:44PM 19 A. Correct.

02:44PM 20 Q. And you never received any information around 2009 or

02:45PM 21 2010 that he was the subject of DEA investigation, correct?

02:45PM 22 A. Correct.

02:45PM 23 Q. All right. Santiago Gale. When he was arrested, you

02:45PM 24 didn't receive any information prior to his arrest that he

02:45PM 25 was under investigation by the DEA, correct?

02:45PM 1 A. Correct.

02:45PM 2 Q. And after he's arrested, you didn't receive any
02:45PM 3 information through Mike Masecchia that he had to be on the
02:45PM 4 lookout because he been arrested, correct?

02:45PM 5 A. Correct.

02:45PM 6 Q. And did you come to learn later at any point in time that
02:45PM 7 it was actually an agent in the very same group as Joe
02:45PM 8 Bongiovanni who arrested Santiago Gale?

02:45PM 9 A. I did not know that.

02:45PM 10 Q. But obviously, you expected a portion of your money that
02:45PM 11 you're paying out to Mike Masecchia to warn you about
02:45PM 12 anything going on not just with your inner circle but with
02:45PM 13 your sources of supply as well, too?

02:45PM 14 A. Correct.

02:45PM 15 Q. Correct. You expected anything coming from Mark Keegan
02:46PM 16 to be looked out for, correct?

02:46PM 17 A. Correct.

02:46PM 18 Q. And you didn't get any tip-offs or anything from Mike
02:46PM 19 Masecchia that you should be aware of regarding Mark Keegan,
02:46PM 20 correct?

02:46PM 21 A. Correct.

02:46PM 22 Q. And you've been through Santiago Gale. How about Jarrett
02:46PM 23 Guy? You never got any information to be on the lookout with
02:46PM 24 anything for him, correct?

02:46PM 25 A. Correct.

02:46PM 1 Q. Okay. Now by 2012, the summer of 2012, you've now been
02:46PM 2 paying Mike Masecchia at least for about a year and a half,
02:46PM 3 almost two years, correct?

02:46PM 4 A. Correct.

02:46PM 5 Q. And at that point in time, you received no information
02:46PM 6 that your name and your brother's name were starting to
02:46PM 7 circulate around the Buffalo DEA office, did you?

02:46PM 8 A. No.

02:46PM 9 Q. There was no indication that DEA agents other than
02:46PM 10 Mr. Bongiovanni were looking at your names at that point in
02:46PM 11 time, correct?

02:46PM 12 A. Correct.

02:46PM 13 Q. You received no information that there were meetings
02:47PM 14 going into 2013 involving DEA group supervisors, correct?

02:47PM 15 A. Correct.

02:47PM 16 Q. Never received any information that there were IRS
02:47PM 17 investigations into your finances, correct?

02:47PM 18 A. Correct.

02:47PM 19 Q. Never involved -- never received any information that the
02:47PM 20 U.S. Attorney's Office had become involved in investigating
02:47PM 21 you, correct?

02:47PM 22 A. Correct.

02:47PM 23 Q. Those were all things you would have expected to be aware
02:47PM 24 of for this money you're paying out, correct?

02:47PM 25 A. Correct.

02:47PM 1 Q. The way you understood it from the way that Mike
02:47PM 2 Masecchia presented it is that would have been information
02:47PM 3 Mr. Bongiovanni would have access to, correct?
02:47PM 4 A. Correct.
02:47PM 5 Q. It was information that you were supposed to be getting
02:47PM 6 back for your money, correct?
02:47PM 7 A. Correct.
02:47PM 8 Q. At the same time, you never heard anything back from --
02:47PM 9 through Mike Masecchia that, well, don't worry about this,
02:47PM 10 everything's being taken care of by Mr. Bongiovanni, correct?
02:47PM 11 A. Correct.
02:47PM 12 Q. You were never provided with the name of an individual
02:48PM 13 named J.D. being an informant, correct?
02:48PM 14 A. Correct.
02:48PM 15 Q. You testified you had a friend named Mike Piazza; do you
02:48PM 16 remember him?
02:48PM 17 A. Yes.
02:48PM 18 Q. He was actually the one who, I think you said, introduced
02:48PM 19 you to Mark Keegan?
02:48PM 20 A. Correct.
02:48PM 21 Q. And you were never informed in 2010 that Mike Piazza had
02:48PM 22 done a controlled buy for the DEA at any point in time,
02:48PM 23 correct?
02:48PM 24 A. Correct.
02:48PM 25 Q. So you didn't receive any information that DEA was buying

02:48PM 1 from Mike Piazza, correct?

02:48PM 2 A. Correct.

02:48PM 3 Q. And Mike Piazza, would you put him in your inner circle?

02:48PM 4 A. At that time, yes.

02:48PM 5 Q. Okay. How about the two Canadian connections we talked

02:48PM 6 about, Percy in Niagara Falls, and the gentleman from

02:48PM 7 Montreal, those two guys; do you remember them?

02:48PM 8 A. Yes.

02:48PM 9 Q. You never received any information prior to or after

02:48PM 10 meeting with them that you needed to be on the lookout for

02:48PM 11 them, correct?

02:48PM 12 A. I didn't give their names.

02:48PM 13 Q. Okay. But did you, I mean, Mike Masecchia was aware that

02:49PM 14 you were going to be crossing the border at least twice to go

02:49PM 15 meet with potential sources of supply in Canada, correct?

02:49PM 16 A. Correct.

02:49PM 17 Q. And you received no information that any of these folks

02:49PM 18 you needed to look out for, correct?

02:49PM 19 A. Correct.

02:49PM 20 Q. Okay. How about an individual named Joe Bella? Did you

02:49PM 21 ever receive any information about him?

02:49PM 22 A. No, I don't know Joe Bella. I mean, I know of him, but I

02:49PM 23 don't know him personally.

02:49PM 24 Q. Okay. But, you know, as you testified here, you said you

02:49PM 25 received at times information, and you didn't know whether it

02:49PM 1 related to you at all, correct?

02:49PM 2 A. Correct.

02:49PM 3 Q. So, again, Joe Bella was never a name that came up as

02:49PM 4 being under investigation that you heard about through Mike

02:49PM 5 Masecchia, correct?

02:49PM 6 A. Correct.

02:49PM 7 Q. You never were told whether Homeland Security was looking

02:49PM 8 into him in 2016, correct?

02:49PM 9 A. Correct.

02:49PM 10 Q. Did you understand him to be involved in drug activity

02:49PM 11 from what you knew about him?

02:49PM 12 A. Correct.

02:49PM 13 Q. And, obviously, information on other drug dealers and

02:49PM 14 whether they would be under investigation was important to

02:50PM 15 you, correct?

02:50PM 16 A. Correct.

02:50PM 17 Q. Because that helps structure your organization, correct?

02:50PM 18 A. Correct.

02:50PM 19 Q. It helps you understand who you need avoid with the

02:50PM 20 people you deal with, correct?

02:50PM 21 A. Correct.

02:50PM 22 Q. All right. Let's talk about Lou Selva.

02:50PM 23 You, I believe you described him as a cokehead, correct?

02:50PM 24 A. Correct.

02:50PM 25 Q. What do you mean by that term?

02:50PM 1 A. Well, I just mean he did a lot of coke.

02:50PM 2 Q. Have you seen him do a lot of coke in your presence?

02:50PM 3 A. I was never really around him that much, so.

02:50PM 4 Q. Okay. So when you say you're really not around him that
02:50PM 5 much, how much in general from fall of 2010 to your arrest in
02:50PM 6 2017 were you ever around Lou Selva?

02:50PM 7 A. Maybe -- when I started storing that stuff at his house,
02:50PM 8 occasionally. Sometimes Mike would go there, and very rarely
02:50PM 9 would I go there.

02:50PM 10 And then when I built the grow room in his house. So
02:50PM 11 maybe ten, 15 times.

02:50PM 12 Q. Okay. So ten, 15 times in all of those years that you
02:50PM 13 had personal interactions with Lou Selva; fair to say?

02:51PM 14 A. Right.

02:51PM 15 Q. Okay. Now, you only knew Lou Selva through Mike
02:51PM 16 Masecchia, correct?

02:51PM 17 A. Correct.

02:51PM 18 Q. He's a bit older than you, correct?

02:51PM 19 A. Correct.

02:51PM 20 Q. And you understood he'd been friends with Mike Masecchia
02:51PM 21 before you ever really got involved with Mike Masecchia,
02:51PM 22 correct?

02:51PM 23 A. Correct.

02:51PM 24 Q. And your interactions that you saw, did it ever appear
02:51PM 25 like -- that Mr. Selva appeared to sort of suck up to Mike

02:51PM 1 Masecchia?

02:51PM 2 A. I wouldn't say that.

02:51PM 3 Q. Okay. But, again, you only have limited personal

02:51PM 4 interactions, ten to 15 times, you said?

02:51PM 5 A. Right.

02:51PM 6 Q. Did you know him to be involved in a grow operation down

02:51PM 7 in the Cattaraugus County at all?

02:51PM 8 A. Yes.

02:51PM 9 Q. Okay. But that was only based on what Mike Masecchia had

02:51PM 10 relayed to you?

02:51PM 11 A. Correct.

02:51PM 12 Q. Okay. You did not -- if I think I recall your testimony,

02:51PM 13 you did help him setting up one of the grow operations up

02:51PM 14 there, correct?

02:51PM 15 A. Yes. He wasn't involved in that one I set up.

02:52PM 16 Q. Yeah, let me just go in order.

02:52PM 17 The outdoor grow operations in Franklinville, one of

02:52PM 18 those you invested an initial \$20,000 --

02:52PM 19 A. Correct.

02:52PM 20 Q. -- into. Do you recall Lou Selva being involved in that

02:52PM 21 one at that time?

02:52PM 22 A. No, he was not.

02:52PM 23 Q. Okay. And that was with you, Mike Masecchia, Sal Volpe,

02:52PM 24 and Mike Moynihan; am I getting those correct?

02:52PM 25 A. Correct.

1 Q. And what time frame is that?

2 A. It was 2015.

3 Q. Okay. And prior to that, though, I think what you're

4 telling us is you had some knowledge that Lou Selva might be

5 involved in a grow operation down there outside, correct?

6 A. Correct.

7 Q. But you weren't involved in that grow operation, correct?

8 A. Correct.

9 Q. Okay. Now, at one point in time, you ended up storing

10 about 100 pounds of marijuana at his house in late 2016; do

11 you recall that?

12 A. Yes.

13 Q. So this is not growing at his house, this is just storing

14 bulk marijuana, correct?

15 A. Correct.

16 Q. And -- and he was supposed to get about \$5,000 for doing

17 that; do you recall?

18 A. Yes.

19 Q. It's about \$500 a pound, times 100, is what his cut was

20 supposed to be?

21 A. \$50 a pound.

22 Q. \$50 a pound. All the lawyers have had trouble with math

23 at some point in time in this case.

24 But you never did it again after that one point in time,

25 correct?

02:53PM 1 A. I did it prior to that, but that was the last time
02:53PM 2 because 15 pounds was missing.

02:53PM 3 Q. That was going to be my next question. 15 pounds came up
02:53PM 4 missing, correct?

02:53PM 5 A. Correct.

02:53PM 6 Q. And by street value, if we're using that \$1,800 a pound
02:53PM 7 figure, that's about \$27,000 of weed went missing?

02:53PM 8 A. Correct.

02:53PM 9 Q. And have you been ripped off before in your experience as
02:53PM 10 a drug dealer?

02:53PM 11 A. I wouldn't say -- I mean, I've had people stiff me on
02:53PM 12 money, people that I've fronted. Not necessarily -- like,
02:53PM 13 what do you mean, ripped off?

02:53PM 14 Q. Well, I guess, do you understand in the drug business, in
02:53PM 15 your long experience with that, when stuff goes missing, it's
02:54PM 16 because people took it?

02:54PM 17 A. Correct.

02:54PM 18 Q. Okay. And that's the opinion you formed because you
02:54PM 19 wouldn't deal with Lou Selva after that, correct?

02:54PM 20 A. Correct.

02:54PM 21 Q. Okay. And do you remember at the same point in time,
02:54PM 22 Mike Masecchia trying to propose that he would take care of
02:54PM 23 some of your marijuana customers?

02:54PM 24 A. Correct.

02:54PM 25 Q. And what I think I understand that to mean is that Mike

02:54PM 1 Masecchia would come in, and he would sell direct to some of
02:54PM 2 the people you were selling direct to, correct?

02:54PM 3 A. Correct.

02:54PM 4 Q. So now he's actually taking some of your customers,
02:54PM 5 correct?

02:54PM 6 A. Correct.

02:54PM 7 Q. Kind of cutting you out in a way?

02:54PM 8 A. No, he'd be getting it from me, more so that I didn't
02:54PM 9 have to do it.

02:54PM 10 Q. Right. But at that point in time, you're getting a bit
02:54PM 11 of a lesser profit, and you've got somebody in between,
02:54PM 12 correct?

02:54PM 13 A. Correct.

02:54PM 14 Q. All right. Now, I think you testified on direct that you
02:54PM 15 thought you might have been paying Mike Masecchia right up to
02:55PM 16 your arrest in 2017; is that what you told us?

02:55PM 17 A. I believe so.

02:55PM 18 Q. Do you recall telling federal agents on March 4th, 2019,
02:55PM 19 your last actual payment to Mike Masecchia was back in
02:55PM 20 December 2016?

02:55PM 21 A. Quite possibly. I don't remember though.

02:55PM 22 Q. Okay. Let me refresh your recollection quickly.

02:55PM 23 **MR. MacKAY:** Ms. Champoux, can we show the witness
02:55PM 24 only Government Exhibit 3536Z-1, page 3, please.
25

02:55PM

1 **BY MR. MacKAY:**

02:55PM

2 Q. All right. It's going to be the second paragraph from

02:56PM

3 the bottom. Would you take a look at that? Refresh your

02:56PM

4 recollection whether you told federal agents at that time

02:56PM

5 that your last payment intended for Mr. Bongiovanni was in

02:56PM

6 December 2016. Just look up to me when you're done.

02:56PM

7 A. Second from the bottom?

02:56PM

8 Q. Second-last page.

02:56PM

9 **MR. MacKAY:** Ms. Champoux, can we blow up that

02:56PM

10 second-to-last paragraph?

02:56PM

11 **BY MR. MacKAY:**

02:56PM

12 Q. Let me know when you've reviewed that.

02:56PM

13 A. I reviewed it.

02:56PM

14 **MR. MacKAY:** Okay. You can that down, Ms. Champoux,

02:56PM

15 thank you.

02:56PM

16 **BY MR. MacKAY:**

02:56PM

17 Q. Does that refresh your recollection about whether the

02:56PM

18 last payment may have actually been at the end of 2016?

02:56PM

19 A. Honestly, I'm not sure.

02:56PM

20 Q. And by that point in time, you're fairly heavy into your

02:56PM

21 addiction, correct?

02:56PM

22 A. Correct.

02:56PM

23 Q. All right. But by 2019, when you're talking to federal

02:57PM

24 agents, you've now had almost two years to sober up, correct?

02:57PM

25 A. Correct.

02:57PM 1 Q. You get arrested on April 18, 2017, correct?

02:57PM 2 A. Correct.

02:57PM 3 Q. At that point in time, you ask one of the officers if
02:57PM 4 they know Joe Bongiovanni, correct?

02:57PM 5 A. Correct.

02:57PM 6 Q. And they basically ask you something to the effect of,
02:57PM 7 why, are you an informant for him?

02:57PM 8 A. Correct.

02:57PM 9 Q. And you don't answer that question, correct?

02:57PM 10 A. Correct.

02:57PM 11 Q. And is that because, well, that's because you were never
02:57PM 12 provided with any sort of cover story of what would happen if
02:57PM 13 you were asked about this sort of situation, correct?

02:57PM 14 A. Correct.

02:57PM 15 Q. So despite paying all the money out, Mr. Masecchia never
02:57PM 16 provided you with any sort of cover story of what was gonna
02:57PM 17 happen -- what would happen or what you should do if you were
02:57PM 18 confronted, correct?

02:57PM 19 A. Correct.

02:57PM 20 Q. Now, again, you got sober after your arrest, correct?

02:57PM 21 A. Correct.

02:57PM 22 Q. Took some time, but you went through a few rehabs,
02:57PM 23 correct?

02:57PM 24 A. Correct.

02:57PM 25 Q. And obviously, as you sit here today, you're sober.

02:58PM

1 A. Yes.

02:58PM

2 Q. And I do mean to congratulations, it is not something

02:58PM

3 that we see --

02:58PM

4 A. Thank you.

02:58PM

5 Q. -- in this line of work, that all --

02:58PM

6 A. Thanks.

02:58PM

7 Q. -- the six attorneys here see. But you are clearheaded

02:58PM

8 as you sit here today, correct?

02:58PM

9 A. Correct.

02:58PM

10 Q. And you've had almost seven years to contemplate

02:58PM

11 everything that's brought you to this point as you sit here

02:58PM

12 in this courtroom, today?

02:58PM

13 A. Correct.

02:58PM

14 Q. Okay. And you were initially upset at the time of your

02:58PM

15 arrest because you believed the protection money had been

02:58PM

16 stolen from you, correct?

02:58PM

17 A. I didn't think it was stolen, I just thought that I

02:58PM

18 didn't -- I don't know. I was high at the time, and I was

02:58PM

19 pissed off that I got arrested.

02:58PM

20 Q. Well, because you expected that money to have bought a

02:58PM

21 federal agent, correct?

02:58PM

22 A. Correct.

02:58PM

23 Q. You expected to not have been arrested for that money,

02:58PM

24 correct?

02:58PM

25 A. Correct.

02:58PM 1 Q. You thought you immune from arrest, correct?

02:58PM 2 A. Correct.

02:58PM 3 Q. You thought that ultimately, this can't have happened,
02:58PM 4 because Joe Bongiovanni never got the money, correct?

02:58PM 5 A. Well, not that I thought I could never get arrested, but
02:58PM 6 I just thought I would have the heads-up to -- that I was
02:59PM 7 gonna get arrested.

02:59PM 8 Q. Okay. But ultimately, as you sit here today, you have no
02:59PM 9 way of telling this jury whether any money ever got to Joe
02:59PM 10 Bongiovanni, correct?

02:59PM 11 A. Correct.

02:59PM 12 Q. Because in all your years of doing this, from fall of
02:59PM 13 2010 to April of 2017, the only person you ever dealt with
02:59PM 14 was Mike Masecchia, correct?

02:59PM 15 A. Correct.

02:59PM 16 Q. And you only ever paid money out to Mike Masecchia,
02:59PM 17 correct?

02:59PM 18 A. Correct.

02:59PM 19 Q. And you only ever received information back from Mike
02:59PM 20 Masecchia, correct?

02:59PM 21 A. Correct.

02:59PM 22 Q. And you don't know what happened to that money after you
02:59PM 23 paid it out, correct?

02:59PM 24 A. Correct.

02:59PM 25 Q. Silly as it sounds, you never got a receipt initialed by

02:59PM 1 Joe Bongiovanni, correct?

02:59PM 2 A. Correct.

02:59PM 3 Q. You never met Joe Bongiovanni once, correct?

02:59PM 4 A. Correct.

02:59PM 5 Q. You never had any phone calls or text message

02:59PM 6 conversations with Joe Bongiovanni, correct?

02:59PM 7 A. Correct.

02:59PM 8 Q. You never received any confidential DEA paperwork

02:59PM 9 verifying any of the information that you were supposedly

02:59PM 10 sent, correct?

02:59PM 11 A. Correct.

02:59PM 12 Q. All you know is that you paid money to Mike Masecchia,

02:59PM 13 right?

02:59PM 14 A. Correct.

02:59PM 15 Q. And he told you things in return, correct?

02:59PM 16 A. Correct.

02:59PM 17 **MR. MacKAY:** Your Honor, can I just have one moment

03:00PM 18 to check?

03:00PM 19 **THE COURT:** Sure.

03:00PM 20 **MR. MacKAY:** I have no further questions, Your Honor.

03:00PM 21 **THE COURT:** Redirect, Mr. Tripi.

03:00PM 22 **MR. TRIPI:** Yes, Your Honor. Do you want your break

03:00PM 23 now?

03:00PM 24 **THE COURT:** No.

03:00PM 25 **MR. TRIPI:** Okay.

REDIRECT EXAMINATION BY MR. TRIPI:

Q. Let's pick up where Mr. MacKay left off.

When you saw, after you were arrested, that it was Erie County Sheriffs and the FBI that arrested you and charged you in federal court, did your arrest start to make more sense then?

A. I was so messed up, honestly, it really -- it really didn't make sense. I mean, I didn't --

Q. I'm saying later on --

A. Oh, later on, yes.

Q. -- when you learned what agencies were involved, did it start to make more sense to you?

A. Yes, correct.

Q. Is that because the DEA had no involvement?

A. Correct.

Q. Okay. And you were shown an exhibit a few moments ago, 3536Z-1 by Mr. MacKay. I'm going to show you that exhibit in hard copy. See that cover page there?

A. Yeah.

Q. I'll take it back. Is that from an interview March 4th, 2019?

A. Yes, I believe so.

Q. Okay. Is that when you were still withholding information and minimizing your dealings with Bongiovanni?

A. Yes.

03:02PM 1 Q. Okay. So in terms of the jury's evaluation of your
03:02PM 2 truthfulness, we can basically rip this document up, correct?

03:02PM 3 **MR. MacKAY:** Objection.

03:02PM 4 **THE COURT:** Sustained.

03:02PM 5 **BY MR. TRIPI:**

03:02PM 6 Q. Does this document hold any value?

03:02PM 7 **MR. MacKAY:** Objection.

03:02PM 8 **THE COURT:** Sustained.

03:02PM 9 **BY MR. TRIPI:**

03:02PM 10 Q. In your view, were you truthful during this interview?

03:02PM 11 A. Not fully.

03:02PM 12 Q. Okay. Are you being fully truthful now?

03:02PM 13 A. Yes.

03:02PM 14 Q. How many people were making money off of the drugs and
03:02PM 15 the sources of supply that you were bringing in to the
03:02PM 16 organization?

03:02PM 17 A. I'd say probably 15 people at least.

03:02PM 18 Q. Out of that 15, after you, where did Mike Masecchia rank
03:03PM 19 on the profit rankings?

03:03PM 20 A. He became number one, basically.

03:03PM 21 Q. Okay. So was you getting arrested good for Mike
03:03PM 22 Masecchia's pocketbook, or bad?

03:03PM 23 A. Good.

03:03PM 24 Q. You getting arrested was good?

03:03PM 25 A. Well, he tried to take over my customers.

03:03PM 1 Q. Okay. While you were -- before you were arrested --

03:03PM 2 A. Oh, before? Yeah, no, it would be bad.

03:03PM 3 Q. It would be bad?

03:03PM 4 A. Correct.

03:03PM 5 Q. Was -- was \$2,000, if Masecchia was stealing \$2,000,

03:03PM 6 would that be pennies on the dollar for what he was earning

03:03PM 7 off of you each month?

03:03PM 8 A. Yes.

03:03PM 9 Q. If he was stealing \$4,000 and splitting it with Lou

03:03PM 10 Selva, would that be pennies on the dollar for what they were

03:03PM 11 making off of you?

03:03PM 12 A. Yes.

03:03PM 13 Q. How much money monthly would you estimate Mike Masecchia

03:04PM 14 made off of your dealings and with marijuana and the drugs

03:04PM 15 you were bringing in?

03:04PM 16 A. I would say probably at least 20,000.

03:04PM 17 Q. Okay. Do you fancy yourself, despite your drug

03:04PM 18 addictions, as a good businessman?

03:04PM 19 A. I'm a very good businessman.

03:04PM 20 Q. Very good?

03:04PM 21 A. Yes.

03:04PM 22 Q. And did you hold that opinion even when you were

03:04PM 23 addicted?

03:04PM 24 A. Yes.

03:04PM 25 Q. Okay. Is it good business to steal 2- or \$4,000 at the

03:04PM 1 risk of \$20,000?

03:04PM 2 A. No.

03:04PM 3 Q. Why is that bad business?

03:04PM 4 A. Because you lose the \$20,000.

03:04PM 5 Q. I haven't been great at math, but is 20,000 either 16- or

03:04PM 6 \$18,000 more than 2- or \$4,000?

03:04PM 7 A. Correct.

03:04PM 8 Q. Now, you were asked some questions about Lou Selva. Just

03:04PM 9 to be clear, early on in those outdoor grow operations, and I

03:04PM 10 think you testified about this yesterday, did you say that

03:05PM 11 you actually clipped at one of the grows while Lou was

03:05PM 12 working the grow?

03:05PM 13 A. Well, I clipped at Morgan Hollow when they brought it to

03:05PM 14 there.

03:05PM 15 Q. Okay.

03:05PM 16 A. I don't believe they grew it at that property.

03:05PM 17 Q. And was Lou there clipping with you?

03:05PM 18 A. Correct.

03:05PM 19 Q. So you knew he was involved in the grows?

03:05PM 20 A. Correct.

03:05PM 21 Q. At some point later on, did you also have a dinner at the

03:05PM 22 Western Door with Mike Masecchia and Lou Selva?

03:05PM 23 A. Yes.

03:05PM 24 Q. Is that a fancy steak restaurant at one of the casinos?

03:05PM 25 A. Yes.

03:05PM 1 Q. At that dinner, did some business dealings related to
03:05PM 2 drug trafficking get discussed?

03:05PM 3 A. I believe so.

03:05PM 4 Q. Okay. Did all of you have an understanding, the three of
03:05PM 5 you at that dinner table, whether you discussed it at that
03:05PM 6 dinner table or not, did all three of you have a shared
03:05PM 7 understanding that Bongiovanni was protecting all three of
03:05PM 8 you?

03:05PM 9 A. Yes.

03:05PM 10 Q. Any question in your mind about that?

03:05PM 11 A. No.

03:05PM 12 Q. You were asked a bunch of questions about sources of
03:06PM 13 supply that you had through the timeline, right?

03:06PM 14 Now, Mark Keegan, during any portions of the timeline
03:06PM 15 when you were being supplied drugs by Mark Keegan, was he
03:06PM 16 ever arrested for drug trafficking by the DEA?

03:06PM 17 A. Not to my knowledge.

03:06PM 18 Q. Was Michael Masecchia ever arrested for drug trafficking
03:06PM 19 by the DEA?

03:06PM 20 A. No.

03:06PM 21 Q. Was Anthony Gerace ever arrested for drug trafficking by
03:06PM 22 the DEA?

03:06PM 23 A. No.

03:06PM 24 Q. Was Jarrett Guy ever arrested for drug trafficking by the
03:06PM 25 DEA?

03:06PM 1 A. No.

03:06PM 2 Q. Now. After, did -- did -- did HSI try to get into

03:06PM 3 Jarrett Guy after you cooperated in this case?

03:06PM 4 A. Yes.

03:06PM 5 Q. But he's up in Canada --

03:06PM 6 A. Yes.

03:06PM 7 Q. -- where there's some logistical challenges?

03:06PM 8 A. Correct.

03:06PM 9 Q. Was Santiago Gale only arrested after you stopped dealing

03:06PM 10 with him?

03:06PM 11 A. Yes.

03:06PM 12 Q. Now, Joe Tomasello early on, you were getting from him,

03:07PM 13 and he was dealing with Masecchia, right?

03:07PM 14 A. Correct.

03:07PM 15 Q. Was Joe Tomasello ever arrested by Defendant Bongiovanni?

03:07PM 16 A. No.

03:07PM 17 Q. You were asked about Mike Piazza. Was Mike Piazza ever

03:07PM 18 arrested by the defendant?

03:07PM 19 A. Not to my knowledge.

03:07PM 20 Q. By the DEA?

03:07PM 21 A. Not to my knowledge.

03:07PM 22 Q. To your knowledge, was Joe Bella ever arrested by the

03:07PM 23 DEA?

03:07PM 24 A. I don't know Joe Bella, so I would have no idea.

03:07PM 25 Q. Now, after your interview, your proffer interview, do you

03:07PM 1 remember your July 20th, 2018, proffer interview where Curtis
03:07PM 2 Ryan was asking you questions?
03:07PM 3 A. I believe so.
03:07PM 4 Q. Is that the first proffer where you mentioned the
03:07PM 5 defendant's name?
03:07PM 6 A. Yes.
03:07PM 7 Q. Okay. But even then, it wasn't the full truth, right?
03:07PM 8 A. Correct.
03:07PM 9 Q. Even after your first time in the grand jury, that wasn't
03:07PM 10 the full truth?
03:07PM 11 A. Correct.
03:07PM 12 Q. Even after your second time in grand jury, you still
03:07PM 13 withheld, didn't you?
03:07PM 14 A. Correct.
03:07PM 15 Q. It wasn't until October 2nd, 2019, where you admitted the
03:08PM 16 full scope of the bribes; isn't that true?
03:08PM 17 A. Correct.
03:08PM 18 Q. And then you testified the next day, October 3rd, 2019;
03:08PM 19 is that right?
03:08PM 20 A. Correct.
03:08PM 21 Q. From July 20th, 2018 on, were any DEA agents at all in
03:08PM 22 any of your proffer interviews with HSI and the U.S.
03:08PM 23 Attorney's Office?
03:08PM 24 A. Not to my knowledge.
03:08PM 25 Q. Now, did you need to know as the drug supplier, did you

03:08PM 1 need to know how problems were being fixed? Or just that
03:08PM 2 they were being fixed?

03:08PM 3 A. Just that they were being fixed.

03:08PM 4 Q. Did you care the specifics about how the defendant was
03:08PM 5 keeping people away from you?

03:08PM 6 A. No.

03:08PM 7 Q. Did you care how he found out about Mario Vacanti's
03:08PM 8 investigation?

03:08PM 9 A. No.

03:08PM 10 Q. Did you care how he knew that R.K. was an informant?

03:08PM 11 A. Nope.

03:08PM 12 Q. Did you care how he knew T.S. was an informant?

03:08PM 13 A. No.

03:08PM 14 Q. Were you grateful to get that information?

03:09PM 15 A. Yes.

03:09PM 16 Q. Did you think t was worth the money you were paying?

03:09PM 17 A. Yes.

03:09PM 18 Q. You were asked some questions about Frank Burkhart and
03:09PM 19 Wayne Anderson; do you remember those questions on cross?

03:09PM 20 A. Yes.

03:09PM 21 **MR. TRIPI:** Ms. Champoux, can we pull up the pdf
03:09PM 22 that's Exhibit 8. The pdf one. 8A. Thank you. 8A.

03:09PM 23 **THE COURT:** This is in evidence?

03:09PM 24 **MR. TRIPI:** It's in evidence, Judge, yes.
25

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BY MR. TRIPI:

Q. I'm going to skip -- actually, you were asked some questions about Remus Nowak; do you remember that question on cross?

A. Yes.

Q. All right. I'm going to read something to you that's in evidence and ask you about it.

Paragraph 3, this is page 6 of Exhibit 8A:

Agents have identified Remus Nowak, a/k/a Remo, in a prior DEA investigation, C2-98-0030, for trafficking in multiple kilograms of marijuana. Nowak is believed to be a major distributor and money launder source for the Serio DTO.

Do you see that sentence?

A. Yes.

Q. Serio, that's you, right?

A. Yes.

Q. And you've been testifying about your drug-trafficking organization?

A. Yes.

Q. Was Remus Nowak a major marijuana distributor and money laundering source for you?

A. For me?

Q. Yes.

A. No.

Q. Were you the principal in the Serio DTO?

03:10PM 1 A. Yes.

03:10PM 2 Q. Would you know who your money laundering sources were?

03:10PM 3 A. Yes.

03:10PM 4 Q. Were you laundering your own money?

03:10PM 5 A. Yes.

03:10PM 6 Q. We went through a decade of your suppliers. Was Remus

03:10PM 7 Nowak one of them?

03:10PM 8 A. Never.

03:10PM 9 Q. So is that sentence written there utterly false in your

03:10PM 10 view?

03:11PM 11 A. 100 percent.

03:11PM 12 Q. You were asked about your inner circle versus names you

03:11PM 13 passed along; do you remember that?

03:11PM 14 A. Yes.

03:11PM 15 Q. Now I want to define those.

03:11PM 16 Inner circle, those were people working with you and your

03:11PM 17 good friends?

03:11PM 18 A. Correct.

03:11PM 19 Q. Names you passed along, was that the same list of people?

03:11PM 20 A. Wait, can you repeat that?

03:11PM 21 Q. So, I want to be clear on what your understanding was.

03:11PM 22 You were asked questions about your inner circle.

03:11PM 23 A. Yes.

03:11PM 24 Q. And then questions about names you passed along.

03:11PM 25 A. Yes.

03:11PM 1 Q. Were those lists the same, or different? Or was there
03:11PM 2 overlap there?

03:11PM 3 A. There was overlap.

03:11PM 4 Q. Okay.

03:11PM 5 **MR. TRIPI:** Now, Ms. Champoux, can we control F
03:11PM 6 Frank Burkhart, or the last name Burkhart please?

03:11PM 7 **THE COURT:** In this exhibit you're asking?

03:11PM 8 **MR. TRIPI:** Yes, please. It will get us to the -- I
03:12PM 9 think there's a D. H-A-R-D-T.

03:12PM 10 Let's go with -- put in Hard Core, try that. Two
03:12PM 11 words, please. Sorry. Okay.

03:12PM 12 **BY MR. TRIPI:**

03:12PM 13 Q. Do you see on the -- we're on page 357 of Exhibit 8A. Do
03:12PM 14 you see a reference highlighted there to Hard Core Tattoo
03:12PM 15 Studio?

03:12PM 16 A. Yes.

03:12PM 17 Q. Is that Frank Burkhart's tattoo studio?

03:12PM 18 A. Yes.

03:12PM 19 Q. Is that someone who was in your inner circle of drug
03:12PM 20 trafficking?

03:12PM 21 A. Yes.

03:12PM 22 Q. Does that look like phone information associated with
03:12PM 23 Frank Burkhart's Hard Core Tattoo Studio?

03:12PM 24 A. Where it says contact work?

03:12PM 25 Q. Financially liable party, user information, that section

1 down below. Do you see a phone number there, 716?

2 A. Oh, right there? Yes.

3 **MR. TRIPI:** Let's search Mark Falzone, please, with
4 an E. Thank you.

5 **BY MR. TRIPI:**

6 Q. Mark Falzone, is that your very good friend?

7 A. Yes.

8 Q. Is that his address, 377 Englewood?

9 A. Correct.

10 Q. Did you have drugs delivered there?

11 A. Yes.

12 Q. Now, is he a very good friend of yours, and part of your
13 drug-dealing circle?

14 A. Yes.

15 Q. And did -- did you confide in him that Bongiovanni was
16 providing information?

17 A. Yes.

18 Q. You were asked questions about -- about information you
19 received -- or, withdrawn -- questions about the mail and a
20 package that was seized; do you remember that?

21 A. Yes.

22 Q. When you asked for more information or protection, and
23 the price was increased \$2,000 a month, were you concerned
24 about mailings? Or were you concerned about trucks going
25 across the country?

03:14PM 1 A. Trucks. Because with the mail, how were you really gonna
03:14PM 2 track that? They were only 20 pounds at a time.

03:14PM 3 Q. Did any of the truckloads intended for you ever get
03:14PM 4 picked off?

03:14PM 5 A. No.

03:14PM 6 Q. Did any of the U-Haul trucks ever get picked off?

03:15PM 7 A. No.

03:15PM 8 Q. Did any of the drivers ever get arrested?

03:15PM 9 A. No.

03:15PM 10 Q. Did you ever get stopped going to or coming from New York
03:15PM 11 City?

03:15PM 12 A. No.

03:15PM 13 Q. Did you ever notice surveillance trucks setting up
03:15PM 14 outside your house on Lebrun?

03:15PM 15 A. No.

03:15PM 16 Q. Did you ever notice surveillance trucks sitting outside
03:15PM 17 your warehouse at 608 Michigan or 82 Sycamore?

03:15PM 18 A. No.

03:15PM 19 Q. Did you ever notice any surveillance around Mark
03:15PM 20 Falzone's house?

03:15PM 21 A. No.

03:15PM 22 Q. Were those all places you had drug activity?

03:15PM 23 A. Yes.

03:15PM 24 Q. Before the Erie County Sheriffs searched 91 Grimsby, did
03:15PM 25 you ever remember any surveillance sitting in front of your

03:15PM

1 house?

03:15PM

2 A. No.

03:15PM

3 Q. Now in 2015, you were asked, you know, some questions

03:15PM

4 about 180 North Park and 165 Wardman regarding buying and

03:15PM

5 selling as it related to Mario Vacanti, correct?

03:15PM

6 A. Yeah.

03:15PM

7 Q. When you received the information from Bongiovanni about

03:16PM

8 the investigation into the Vacanti, what was your, remind the

03:16PM

9 jury, what was your response? What did you do?

03:16PM

10 A. Told Mario to stop.

03:16PM

11 Q. Stop doing what? Explain it to them again.

03:16PM

12 A. Stop selling marijuana.

03:16PM

13 Q. And did you raise the name Paul Humphrey?

03:16PM

14 A. Yes.

03:16PM

15 Q. How did you tell him about Paul Humphrey?

03:16PM

16 A. I just told him that Joe Bongiovanni -- or, I got word

03:16PM

17 from Mike Masecchia that Joe Bongiovanni said that Paul

03:16PM

18 Humphry is cooperating against you, and that he said he owed

03:16PM

19 you \$4,000.

03:16PM

20 Q. And did Vacanti confirm that information?

03:16PM

21 A. Yes.

03:16PM

22 Q. Was he surprised?

03:16PM

23 A. Very surprised.

03:16PM

24 Q. What did he tell you he was gonna do?

03:16PM

25 A. He was gonna stop.

03:16PM 1 Q. Was that an example of your belief you were getting real,
03:16PM 2 true, accurate information?

03:16PM 3 A. Yes.

03:16PM 4 Q. What other reasons do you understand that you were
03:16PM 5 getting real information from this defendant over here?

03:17PM 6 A. What do you mean by that?

03:17PM 7 Q. Other examples like that.

03:17PM 8 A. Well, T.S. and R.K.

03:17PM 9 Q. Being informants?

03:17PM 10 A. Yes.

03:17PM 11 Q. Now regarding R.K., I think you said he was present at
03:17PM 12 your house up to five times on Lebrun? Five times or less?

03:17PM 13 A. Correct.

03:17PM 14 Q. Were all five of those drug transactions?

03:17PM 15 A. Not all five of them.

03:17PM 16 Q. How many of them were?

03:17PM 17 A. At least three.

03:17PM 18 Q. Were all of them involving Frank Burkhart?

03:17PM 19 A. Yes.

03:17PM 20 Q. The guy associated with Hard Core Tattoo?

03:17PM 21 A. Correct.

03:17PM 22 Q. R.K. gets arrested for burglary. If six to eight months
03:17PM 23 go by and then he comes around and he's around Frank Burkhart
03:18PM 24 and he has money, do you sell to him?

03:18PM 25 A. If he was around Frank Burkhart, yes.

03:18PM 1 Q. You didn't know David Oddo personally, but you knew him
03:18PM 2 to be someone Anthony Gerace was getting cocaine from?
03:18PM 3 A. Correct.
03:18PM 4 Q. Did you provide more than one list of names or phone
03:18PM 5 numbers over time to Masecchia?
03:18PM 6 A. Multiple lists.
03:18PM 7 Q. Do you know how many times you provided lists?
03:18PM 8 A. At least five.
03:18PM 9 Q. Were they the same names and phone numbers every time, or
03:18PM 10 were they different?
03:18PM 11 A. They were different.
03:18PM 12 Q. Sometimes the names stay the same, and the numbers
03:18PM 13 change?
03:18PM 14 A. Yes.
03:18PM 15 Q. When you stored marijuana at Lou Selva's house, how many
03:19PM 16 times would you say you did that?
03:19PM 17 A. At least five times.
03:19PM 18 Q. Over what years?
03:19PM 19 A. 2015 to '16. '15 to '16.
03:19PM 20 Q. And what were your discussions with Lou Selva directly
03:19PM 21 about storing marijuana as it related to Defendant
03:19PM 22 Bongiovanni?
03:19PM 23 A. There's an extra layer of protection, because -- since
03:19PM 24 his relationship with Joe that he would get the heads-up if
03:19PM 25 they were gonna raid his house.

03:19PM 1 Q. Who said that?

03:19PM 2 A. Lou Selva.

03:19PM 3 Q. Okay. Exactly, clearly, who is speaking? What did Lou

03:19PM 4 Selva say about that?

03:19PM 5 A. He said that it's an extra layer of protection because if

03:19PM 6 they're gonna raid Joe's house -- I mean, not Joe's house,

03:19PM 7 Lou's house -- that Joe Bongiovanni would get the heads-up.

03:19PM 8 Q. Lou Selva told you that directly?

03:19PM 9 A. Correct.

03:19PM 10 Q. His lips to your ears?

03:19PM 11 A. Yes.

03:19PM 12 Q. And then what did you do with your marijuana?

03:19PM 13 A. Stored it there.

03:20PM 14 Q. Five times?

03:20PM 15 A. Yeah.

03:20PM 16 Q. So just to get the timelines right, from fall of 2010 to

03:20PM 17 spring 2012, you paid Bongiovanni \$2,000 a month for

03:20PM 18 protection?

03:20PM 19 A. Correct.

03:20PM 20 Q. And then in spring 2012 to April 2017, approximately, you

03:20PM 21 paid \$4,000 per month?

03:20PM 22 A. Correct.

03:20PM 23 Q. And that's over a quarter million dollars over that

03:20PM 24 period of time?

03:20PM 25 A. Correct.

03:20PM 1 Q. You didn't write those down in a book because they were
03:20PM 2 set costs?

03:20PM 3 A. Yes.

03:20PM 4 Q. Now, when Masecchia first told you in '07 or '08 that
03:20PM 5 Bongiovanni looked out or gave him a heads-up, Masecchia was
03:20PM 6 the one who was childhood friends with Bongiovanni, correct?

03:20PM 7 A. Yes.

03:20PM 8 Q. You were not?

03:20PM 9 A. No.

03:20PM 10 Q. When you became the person that was raking in the most
03:21PM 11 money in this organization, is that when you started paying
03:21PM 12 the bribes?

03:21PM 13 A. Yes.

03:21PM 14 **MR. TRIPI:** Nothing further.

03:21PM 15 **THE COURT:** Mr. MacKay, anything more?

03:21PM 16 **MR. MacKAY:** I do, Judge, I'll be very quick.

03:21PM 17

03:21PM 18 **RECROSS-EXAMINATION BY MR. MacKAY:**

03:21PM 19 Q. All right. Mr. Serio, you testified on redirect here that
03:21PM 20 you think you provided lists about five times of names and
03:21PM 21 numbers, correct?

03:21PM 22 A. Correct.

03:21PM 23 Q. When was the last one you provided do you think?

03:21PM 24 A. Sometime in 2016.

03:21PM 25 Q. Okay. And one of the people closest to you that you

03:21PM 1 would want looked out for is Jacob Martinez, correct?

03:21PM 2 A. I wouldn't say the closest.

03:21PM 3 Q. But he was one of the ones --

03:21PM 4 A. Yes.

03:21PM 5 Q. -- that would have been one of the names?

03:21PM 6 A. Yes.

03:21PM 7 **MR. MacKAY:** Ms. Champoux, you just took it down, can
03:21PM 8 we put 8A back up. Can you word search control F Martinez.

03:21PM 9 **BY MR. MacKAY:**

03:22PM 10 Q. It looks like no results found here. Is that what you're
03:22PM 11 seeing on the screen?

03:22PM 12 A. Yeah, not seeing anything. I'm seeing Wayne Anderson,
03:22PM 13 Damien Abbate.

03:22PM 14 Q. But we're doing a word search for Martinez.

03:22PM 15 Dave Oddo, that was not a name or number you would have
03:22PM 16 provided to Mr. Bongiovanni for any sort of protection or
03:22PM 17 information?

03:22PM 18 A. Correct.

03:22PM 19 Q. Because you did not like him, correct?

03:22PM 20 A. Correct.

03:22PM 21 **MR. MacKAY:** All right. Nothing further, Your Honor.

03:22PM 22 **THE COURT:** Anything more?

03:22PM 23 **MR. TRIPI:** No, Your Honor, thank you.

03:22PM 24 **THE COURT:** You can step down, sir.

03:22PM 25 (Witness excused at 3:22 p.m.)

(Excerpt concluded at 3:22 p.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on March 12, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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